

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., May 12, 2008
Synergy Business Park
Kingtree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Meeting Called to Order

Rosanne Kinley, chairman, of Anderson, called the regular meeting of the Board of Cosmetology to order at 10:08 a.m. Other Board members present for the meeting included: Melanie Thompson, vice chairman, of Myrtle Beach; Michelle Hampton-Furtick, of Columbia; and Delores Gilmer, of Charleston.

Staff members participating in the meeting included: George Barr, Inspector; Ronnie Blackmon, Inspector; Sharon Dantzler, Associate General Counsel; Sandra Dickert, Administrative Assistant; Larry Hall, Inspector; Eddie Jones, Administrator; Ken Kitts, Inspector; and Shirley Wider, Program Assistant.

Mrs. Kinley announced that public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingtree 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.

Rules of the Meeting Read by the Chairman

Mrs. Kinley read the rules of the meeting for all present.

Introduction of Board Members and All Other Persons Attending

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

Approval of Excused Absences

MOTION

The Board granted Ruth Settles, of Greenville, and Katherine Webb, of Easley, excused absences.

Approval of the March 10, 2008 Meeting Minutes

MOTION

Mrs. Thompson moved the Board approve the minutes of the March 10, 2008 meeting. Mrs. Hampton-Furtick seconded the motion, which carried unanimously. Mrs. Thompson noted one change to the second paragraph on page 11.

Approval of Agenda

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board approve the agenda with any deviations deemed necessary.

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley stated thanked everyone for attending the meeting. She attended a Senate LCI committee meeting in regard H.3803 bill. She went on to say the committee members were receptive to the Board's stance on why shampooists should remain registered; however, the bill passed favorably out of committee.

Mrs. Kinley conducted a final inspection on Palmetto Beauty College on May 8, 2008.

Mrs. Kinley recently attended a NIC executive board member meeting. She stated Mr. Dan Jones, of Utah, was the NIC Board Administrator position and has taken a different position with the Utah agency. The NIC Executive Board Members unanimously elected Mr. Eddie Jones as NIC Board Administrator.

Mrs. Kinley presented Mrs. Patrick Tolson with a plaque for her 54 years of service as a licensed cosmetologist.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

Legislative Update, If Needed, Legislative Liaison Office

Mr. Jones stated the agency will be closing its fiscal year in July 2008. He stated all travel documents must be submitted to the agency no later than July 7, 2008.

Mr. Jones stated he is happy to accept the position as the NIC Board Administrator.

Mr. Jones stated H.3803 has passed through the full Senate and is now waiting on Governor Sanford's signature.

Mr. Jones informed the Board members they have been approved to attend the Region meeting in New Orleans, Louisiana later this month.

Number of Inspections

Mr. Blackmon and Mr. Barr reviewed the inspection reports with the Board.

Mrs. Dantzler stated the draft regulations were caught in a statute change in the Administrative Procedures Act which made it very difficult to move any draft regulations without running into repercussions. She further stated the regulations would appear in the July 2008 State Register which would take advantage of the new statute.

Unfinished Business

There was no unfinished business for discussion.

New Business

1. Approval of DRC Report – April 2008 and May 2008

Mr. Blackmon answered the members' questions on the DRC reports from April 2008 and May 2008.

MOTION

Mrs. Thompson moved to approve the April 2008 pending the additional requirement that all of the cases be required to take the laws and regulation class or the sanitation class with the

exception of case #62-4643 and case #62-4658. Mrs. Gilmer seconded the motion, which carried unanimously.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board approve the May 2008 DRC Report with the additional requirement that the cases involved in this report take the sanitation class with the exception of case #62-4683 which is required to take the rules and regulations class.

2. Approval of IRC Report – March 20, 2008

MOTION

Upon review of the March 20, 2008 IRC Report Mrs. Thompson moved the Board approve the March 20, 2008 IRC Report, which included the cases for dismissal, cases for formal complaint, and dismissal – cease and desist. Mrs. Gilmer seconded the motion, which carried unanimously.

3. Approval of Consent Order – Case #2007-007

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board approve the consent order involving case #2007-007.

4. Approval of Cosmetology School Application – Academy of Cosmetology – Columbia Branch

On January 31, 2008 the Board received a new school application for the Academy of Cosmetology – Columbia Branch. The application notes that Sewell Gelberd is the school owner. Staff notified Mr. Gelberd in writing by letter dated February 21, 2008 that the Board would be reviewing the application during this meeting and asked that he appear to answer any questions the Board members may have in regard to the application. Mr. Gelberd did not appear at the March 2008 meeting; however, the Board heard testimony from Rosa Lee Jackson and Gloria Smith regarding Mr. Gelberd and his partner. During the March 2008 meeting the Board voted to deny the application for Academy of Cosmetology until the two gentlemen appear before the Board and address the issues listed by Mrs. Jackson and Mrs. Smith.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mrs. Gilmer made a motion the Board take this matter to executive session for legal advice. Mrs. Thompson seconded the motion, which carried unanimously.

5. Continuing Education Appeal – Kenneth Shuler

In a letter dated February 29, 2008 Mr. Kenneth Shuler addressed a continuing education class he sponsored on December 11, 2006. Mr. Shuler admits in the letter that he had two instructors during the December 11, 2006 class who did not have prior Board approval. He also states that this class had 817 participants.

Mrs. Hampton-Furtick recused herself from participating and voting in this matter and left the room at this time.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Thompson and unanimously carried, that the Board take this matter to executive session to seek legal advice.

Executive Session

MOTION

Mrs. Thompson moved the Board enter executive session to seek legal advice. Mrs. Gilmer seconded the motion, which carried unanimously.

Return to Public Session

Mrs. Kinley noted for the record that no official action was taken during executive session.

Continuing Education Appeal – Kenneth Shuler

MOTION

Mrs. Thompson moved the Board increase Mr. Shuler's classes from 200 participants to 400 participants; however, any instances of failure to comply with the regulations to govern continuing education classes found in Section 35.24 can result in additional sanctions. Mrs. Gilmer seconded the motion, which carried unanimously.

Mrs. Hampton-Furtick did not vote as she had recused herself from the hearing and left the room during the vote.

Approval of Cosmetology School Application – Academy of Cosmetology – Columbia Branch

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board grant approval of the application with the following conditions: that the school be placed on probation for three years during which time Mr. Gelberd contact the Board via signed affidavit stating that the records and transcripts are in order and up to date on a quarterly basis and that the school be subject to reasonable, with reasonable being deemed necessary by the Board, unannounced inspections by the agency.

6. Approval of Applications

a. *Bennae Floyd*

On March 4, 2008 the Board received a cosmetologist application for examination and licensure from Bennae Floyd. Ms. Floyd answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" Ms. Floyd's criminal history report, provided by SLED, reflects a felony arrest and conviction of Schedule I and Schedule II drugs as well as a felony nolle prossed non-conviction of possession of cocaine.

Bennae Floyd appeared before the Board and offered the following testimony.

Ms. Floyd made poor choices early in her life and was placed in prison for a period in 2004. Her imprisonment was a result of refusing to testify in federal court against her live in husband. She completed her cosmetology training at the Buena Vista Beauty School, a school for prisoners, while she was incarcerated in West Virginia. Some of the charges against her in the 1990s occurred when her husband was in the house with her and when he went on the run she was

prosecuted for one charge because her husband was not there to testify that the charge had nothing to do with her. In order to avoid imprisonment she pleaded guilty and she was sentenced to probation. She is no longer with this individual and now resides in the Greenville area. She has taken and passed the theory and practical portions of the exam.

MOTION

Mrs. Gilmer moved to approve Ms. Floyd for licensure with a three year probation during which time she must provide a SLED report at her own expense to the Board. Mrs. Thompson seconded the motion and the Board entered discussion in regard to the length of probation. Mrs. Gilmer withdrew her motion.

MOTION

Mrs. Gilmer moved to grant Ms. Floyd licensure with a one year probation during which time she must submit a SLED report at her own expense to the Board.

b. Pamela Parsons

On March 27, 2008 the Board received a nail technician application for examination and licensure from Pamela Parsons. Ms. Parsons answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" Ms. Parsons' criminal history report, provided by SLED, reflects felony arrests and convictions of possession and manufacturing of Schedule I, II, and III drugs. She was sentenced to four years in prison which was suspended and placed on two years of probation.

Pamela Parsons appeared before the Board and offered the following testimony.

Ms. Parsons had a cocaine addiction and lost custody of her children in 2002 as a result of the addiction. She was convicted in 2004. The gentleman she was involved during this period of her life is now in federal prison. She has completed a drug rehabilitation program, completed a nail technician program, and has regained custody of her children. She has taken and passed both portions of the exam.

Ms. Parsons' sister, Pam Smith, stated she has seen Ms. Parsons become the person she is since she is no longer with the gentleman who is now in prison. She further stated Ms. Parsons was arrested due to association with the man she was involved with. She went on to say she has seen Ms. Parsons recover herself from her past and progress to the person she is today.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Thompson and unanimously carried, that the Board approve Mrs. Parsons for licensure with one year probation during which time she submit SLED report to the Board at her own expense.

7. Approval of Instructor Training Curriculum – Palmetto Beauty College

On March 24, 2008 the Board received a request from Palmetto Beauty College seeking the Board's approval on an instructor training curriculum. Staff notified Palmetto Beauty College in writing that the Board would be reviewing this request during the May 12, 2008 meeting.

The Board noted that the school name cannot include the words 'college' or 'university' as directed by the SC Department of Education. The Board also noted that it could not approve the curriculum since the final inspection had not yet been approved.

MOTION

Ms. Thompson moved the Board defer this matter to the July 14, 2008 meeting since the Board has not yet approved the final inspection of the school. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

8. Approval of Cancellation of Classes – Manicurist Association Express

On March 10, 2008 the Board received a request from Manicurist Association Express asking that all cosmetology classes scheduled for 2008 and esthetic classes scheduled for June 22, 2008 and October 5, 2008 be cancelled. Staff notified Manicurist Association Express in writing that the Board would be reviewing this request during the May 12, 2008 meeting.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and Mrs. Hampton-Furtick and unanimously carried, that the Board approve the request to cancel these classes.

9. Approval of Student Instructor Training Program – Greenville Tech

On April 25, 2008 the Board received a request from Greenville Technical College seeking the Board's approval to authorize a student instructor training program. The request included a proposed curriculum for the program. Staff notified Greenville Technical College in writing that the Board would be reviewing this request during the May 12, 2008 meeting.

Mary Rock appeared before the Board at this time. Mrs. Rock stated the training program totals 26 hours. She is aware that the students must also complete the 45 hour Methods of Teaching course.

Mrs. Thompson asked that Ms. Rock add to the page which the student must sign "and has taken the 45 hour methods of teaching course". She further stated Ms. Rock could submit the revised page to Mr. Jones.

MOTION

Mrs. Hampton-Furtick moved the Board approve this request. Mrs. Thompson seconded the motion, which carried unanimously.

10. Approval to Allow Ninth Grade Students Enter Two Semesters of Cosmetology Courses – Charleston County School District

On April 22, 2008 the Board received a letter from the Charleston County School District. The letter states the district would like to have ninth grade students assigned to the two cosmetology teachers for one semester of 'soft skills' and one semester of character education. In previous years the class was called Introduction to Cosmetology; however, the SC Department of Education no longer classifies beginning classes as introductory classes. The school district is seeking the Board's approval to call the 'soft skills' class Cosmetology I. Staff notified the Charleston County School District in writing that the Board would be reviewing this request during the May 12, 2008 meeting.

Elizabeth Franchini appeared before the Board and stated students would receive one credit hour instead of two credit hours. She further stated there would be no hands-on cosmetology work during this class and that students enrolled in this class would not receive cosmetology credit hours.

The Board informed Ms. Franchini that the class cannot include the word 'cosmetology' since this class technically does not come under the auspices of the Board and because the students would think they have begun cosmetology training.

The Board took no action on this matter as the course does not come under the auspices of the Board.

11. Approval of Cosmetology School Application – Irmo High School

On April 18, 2008 the Board received a cosmetology school application from Irmo High School. The application included a floor plan of the classroom and lab. The instructor would be Mrs. Linda Childers.

R. Phil Roof, Linda Childers, and Dr. Lee Bollman appeared before the Board. Mr. Bollman stated the program was initially planned for 40 students; however, 57 students immediately signed up for the class.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board approve the Irmo High School cosmetology school application.

12. Approval of Reciprocity Cosmetologist Application – Kyong Kim

On April 21, 2008 the Board received a letter from Kyong Kim which states she has been licensed as a cosmetologist in North Carolina for seven years. She is attempting to become licensed in South Carolina by reciprocity; however, she is unable to obtain a copy of her high school diploma. She is requesting the Board waive the high school diploma requirement and allow her to become licensed.

Ms. Kim did not appear at this meeting.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board defer this matter until such time as Ms. Kim appears before the Board.

13. Approval of Cosmetologist Instructor Application – Patricia Kamoen

On April 21, 2008 the Board received a letter from Patricia Kamoen who was born and raised in The Netherlands and moved to the United States in February 2000. As a student in The Netherlands she completed that country's equivalent to high school. However, when she submitted her high school diplomas the credentialing services stated she was accredited to the eleventh grade. In April 2003 she applied to LeGrand Institute of Cosmetology to take classes and had to take academic skills testing through the Wonderlic ATB Program. Results from that testing reflected she has a twelfth grade education and had the ability to pass the cosmetology program. She completed the cosmetology program at Kenneth Shuler School of Cosmetology and received her license in March 2005. She successfully enrolled in the 45 hour Methods of Teaching course and graduated in February 2008. She is seeking the Board's approval to become a cosmetologist instructor.

Patricia Kamoen appeared before the Board at this time. Ms. Kamoen did not have the documentation from The Wonderlic for this meeting, but would send the documentation to the Board the week of May 19, 2008.

MOTION

Mrs. Hampton-Furtick moved to approve the instructor application pending receipt of the official score sheet showing twelfth grade education from The Wonderlic ATB Program. Mrs. Thompson seconded the motion, which carried unanimously.

14. Approval of Additional Continuing Education Class, CEU Location Changes, and DRC Safety and Sanitation Non-Continuing Education Course – SC Professional Barber and Cosmetology Association, Inc.

On April 29, 2008 the Board received a request from the SC Professional Barber and Cosmetology Association, Inc. seeking the Board's approval of an additional continuing education class, DRS classes and location changes for two upcoming continuing education classes.

Jacqueline Golden appeared before the Board at this time and stated the association would like to schedule an additional continuing education class for October 26, 2008. However, the association has not submitted new lesson plans. The Board noted providers can change location, add classes with previously approved lesson plans, and instructors; however new lesson plans are approved during the November Board meetings only.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board deny the additional new continuing education class.

Continuing Education Location Changes

MOTION

Mrs. Thompson moved the Board approve the continuing education class location changes. Mrs. Hampton-Furtick seconded the motion. A brief discussion ensued on change in class size. The motion carried unanimously.

DRC Safety and Sanitation non continuing education course.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton- Furtick and unanimously carried, that the Board approve the DRC non continuing education classes with the exception of the dates of May 18, 2008, June 8, 2008, and the June 22, 2008 and the 2009 dates.

The approved DRC non continuing education class dates are: July 6, 2008, July 20, 2008, August 17, 2008, August 31, 2008, September 7, 2008, October 12, 2008, October 26, 2008, November 2, 2008, November 16, 2008, November 30, 2008, December 4, 2008, December 11, 2008, and December 18, 2008.

15. Approval of Additional CEU Classes – Nails, Skin and Hair of America

On May 2, 2008 the Board received a request from Nails, Skin and Hair of America seeking the Board's approval to add four additional continuing education classes. Previously approved instructors, monitors, lesson plans, and agendas will be used for these classes.

A cosmetology continuing education class on July 20, 2008 to be held at the Spartanburg Radisson, 9027 Fairforest Road, Spartanburg.

A cosmetology continuing education class on December 1, 2008 at the Spartanburg Radisson, 9027 Fairforest Road, Spartanburg.

An esthetics continuing education class on November 16, 2008 at the Holiday Inn, 4295 Augusta Road, Greenville.

A nail technician continuing education class on November 16, 2008 at the Holiday Inn, 4295 Augusta Road, Greenville.

Chesley Phillips appeared before the Board at this time and stated she flipped the November 2008 classes to have two ongoing continuing education classes for nail and esthetics at the same time.

MOTION

Mrs. Thompson moved the Board approve the additional continuing education class dates. Mrs. Gilmer seconded the motion, which carried unanimously.

16. Approval of Final Inspection – Palmetto Academy of Cosmetology

On April 29, 2008 Mr. George Barr and Mrs. Hampton-Furtick conducted a final inspection on Palmetto Academy of Cosmetology and determined the school is ready to open.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board approve the final inspection of the Palmetto Academy of Cosmetology.

Board Member Reports

Michelle Hampton-Furtick

Mrs. Hampton-Furtick conducted a final inspection of Palmetto Academy of Cosmetology on April 29, 2009. She also monitored a continuing education class sponsored by ACSP.

Melanie Thompson

On April 14, 2008 Mrs. Thompson monitored a continuing education class sponsored by Nails, Skin and Hair of America in Myrtle Beach.

Delores Gilmer

Mrs. Gilmer gave the following reciprocity report.

During March 2008 the Board licensed 39 cosmetologists, one nail technician, and five estheticians.

During April 2008 the Board licensed 28 cosmetologists and seven estheticians.

Public Comments

Chesley Phillips stated she sponsored an esthetics class in Hilton Head on May 4, 2008. She was telling the participants that permanent makeup must be performed by a physician in South Carolina when a participant showed an advertisement in PINK magazine. The Board informed Mrs. Phillips a complaint must be filed with the agency and should be addressed to the Medical Board. She further stated this activity is being performed in backrooms of some salons.

Mrs. Phillips stated that until 2006 only two individuals died from infections that resulted from pedicures; however, in 2007 there were five deaths that resulted from pedicures. She noted the youngest individual was 22 years old.

Colleen Large of the SC Esthetics Association asked the Board about individuals who are not members of the association but who are interested in teaching continuing education classes during a trade show to be held in North Carolina. Mrs. Kinley stated the individuals are required

to be approved by the Board. She noted that the class must be submitted at a minimum of 45 days prior to the date of the trade show.

Mrs. Jackson expressed her disappointment and sadness over the Board's decision to grant licensure to the Academy of Cosmetology – Columbia Branch.

Adjournment

MOTION

There being no further business for discussion at this time, Mrs. Gilmer moved the meeting be adjourned. Mrs. Thompson seconded the motion, which carried unanimously.

The May 12, 2008 meeting of the SC Board of Cosmetology adjourned at 2:25 p.m.

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10:00 a.m., May 12, 2008
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Kingstree Building
110 Centerview Drive, Conference Room 108
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Meeting Called to Order - Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Introduction of Board Members and All Other Persons Attending

Approval of Excused Absences

Approval of the March 10, 2008 Meeting Minutes

Approval of Agenda

Chairman's Remarks – Rosanne Kinley

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel
Legislative Update, If Needed, Legislative Liaison Office

Number of Inspections
Number of Open Complaint Cases

Unfinished Business

New Business

(Green)

1. Approval of DRC Report – April 2008 and May 2008
2. Approval of IRC Report – March 20, 2008
3. Approval of Consent Order – Case #2007-007
4. Approval of Cosmetology School Application – Academy of Cosmetology – Columbia Branch
5. Continuing Education Appeal – Kenneth Shuler
6. Approval of Applications
 - a. Bennae Floyd
 - b. Pamela Parsons
7. Approval of Instructor Training Curriculum – Palmetto Beauty College
8. Approval of Cancellation of Classes – Manicurist Association Express
9. Approval of Student Instructor Training Program – Greenville Tech

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11. Approval of Cosmetology School Application – Irmo High School
12. Approval of Reciprocity Cosmetologist Application – Kyong Kim
13. Approval of Cosmetologist Instructor Application – Patricia Kamoen
14. Approval of Additional Continuing Education Class, CEU Location Changes, and DRC Safety and Sanitation Non-Continuing Education Course – SC Professional Barber and Cosmetology Association, Inc.
15. Approval of Additional CEU Classes – Nails, Skin and Hair of America
16. Approval of Final Inspection – Palmetto Academy of Cosmetology

Board Member Reports

Public Comments

Executive Session

Return to Public Session

Adjournment

The next meeting of the S.C. Board of Cosmetology is scheduled for July 14, 2008.