

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., September 13, 2010
Synergy Business Park
Kingstree 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 10:00 a.m. Other Board members present for the meeting included: Melanie Thompson, Vice Chairman, of Myrtle Beach; Selena Brown, of Columbia; Delores Gilmer, of Charleston; Cynthia Rodgers, of Lancaster; and Kathy Webb, of Easley.

Staff members participating in the meeting included DeLeon Andrews, Investigator, OIE; George Barr, Inspector; Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel; Eddie Jones, Administrator; Raymond Lee, Inspector; Tracy McCarley, Education; Larry Hall, Inspector; Angie Scott, Administrative Assitant; Britt Sims; Inspector; and Shirley Wider, Program Assistant.

Others participating in the meeting included: Zoraida Wright-Perry; Chesley Phillips; Nancy Sasak; Deanna Hendrix; Linh Co; Ken Lockridge; Pearl Clark; Diana Shaw; Angela Morrison; Steven Dawn; Cecil Crenshaw; Megan Puett; Harriette Harvey; Catherine Stabler; Henrietta Smith; Kristy Reid; Gloria Smith; Erika Patrick; Kate Shelton; Michelle Harrison; Michelle Martin; Ashanti White; Karen Stacks; Lynn Jones; Crystal McGee; Linda Beach; Colleen Large; and Jay Lacy.

Public Notice:

Mrs. Kinley 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.

Rules of the Meeting:

Mrs. Kinley read the rules of the meeting.

A video of this meeting can be viewed at www.ljr.state.sc.us/POL/Cosmetology. On the Board's home page, click 'Board Information' and follow the link to the video.

Introduction of Board Members and All Other Persons Attending:

The Board members, staff and other persons attending the meeting introduced themselves.

Approval of Excused Absences:

Ms. Ruth Settles received an excused absence.

Approval of the July 12, 2010 Minutes:

MOTION:

Mrs. Thompson made a motion to approve the minutes with the following correction Page 12 5th paragraph change PCC to PPC. Mrs. Webb seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

Mrs. Thompson made a motion the Board approve the agenda with any deviations deemed necessary and adding Board Member Reports. Mrs. Webb seconded the motion, which carried unanimously.

Chairman's Remarks – Rosanne Kinley:

Mrs. Kinley welcomed everyone to the meeting. She thanked the Mr. Jones and the Board members for attending the NIC Conference held in Seattle, Washington and for actively participating in all the sessions. In addition, she thanked Mrs. Thompson for serving as the Chairman of the Nominating Committee.

Mrs. Kinley reported that as Chairman of the Board she made a few executive decisions to expedite the meeting and any future meetings. The majority of the cases involve nail technician endorsements therefore, she asked Mrs. Thompson, who serves as the nail technician on the Board to pre-qualify the applicants. She asked the Board to support Ms. Thompson's decisions and recommendations.

Mr. Eric McGee:

Mrs. Kinley reported that Mr. Eric McGee is no longer employed with University of South Carolina therefore; he is no longer the liaison for the Continuing Education Department. She wished Mr. McGee well in his new adventure in Charlotte, North Carolina.

Continuing Education Packages:

Mrs. Kinley reported that all continuing education packages must be received in the Board's office by October 15, 2010, and reminded the continuing education providers to follow all the guidelines set forth by the Board listed on the website.

Administrator's Remarks, For Information – Eddie Jones:

Mr. Jones asked the Board to pay attention the FYI section in their board packages. In addition, he presented the Board with an Office of Investigations Report as it relates to the licenses issued. He stated at the previous Board meeting Mrs. Tracy McCarley appeared to acquire information as it relates to the type of information the Board would like to see regarding the financial report. Mrs. McCarley was unable to attend the meeting therefore, Mrs. Doris Cubit presented the financial report to the Board.

Advisory Opinions, If Needed, Office of General Counsel:

There were no advisory opinions given during this meeting.

Legislative Update, If Needed, Legislative Liaison Office:

Mr. Jones stated that Regulations passed and became effective on June 25, 2010.

Inspector's Report:

Mr. Ronnie Blackman noted the inspectors conducted **737** inspections in July 2010; **587** inspections in August 2010; **1,323** total inspections; **5347** total salons, which is less than last year; and **102** schools.

OIE Report – Office of Investigations and Enforcement:

Mr. Deleon Andrews briefed the Board regarding the OIE reported. He noted since 2008 there has been **425** cases opened; **180** closed; **245** still open; as of 2010, **26** cases received **10** closed and **16** still open.

OGC Report – Office of General Counsel:

No representative from OGC was present to give the report.

Unfinished Business:

Geri Drain

The Board received a request from Ms. Gerri S. Drain requesting restatement of her cosmetology instructor's license. On May 3, 2010, the Board denied Ms. Drain's request for reinstatement and stated that her cosmetology instructor's license would have to be reinstated by examination.

Ms. Drain presented information to the Board regarding her cosmetology instructors license and stated that she was making the request based on Regulations §35-9-A (2), which states:

If the holder of a current Instructor's license chooses to no longer renew the instructor's license and elects instead to reactivate a cosmetologist, esthetician or manicurist license such license will be considered as being current with the Instructor's license and the eligible license may be issued upon payment to the Board of the prescribed renewal fee.

Mrs. Kinley thanked Ms. Drain for attending the meeting and informed her that the information submitted did not change from the information submitted on May 3, 2010.

Mrs. Thompson stated that the statute supersedes the regulations therefore, they would have to follow §40-163-250 (B) (C), which states:

(B) A license to practice or teach cosmetology which has not been renewed before the date designated by the board expires on that date. The holder of an expired license may have the license restored within three years of the date of the expiration upon payment of the required renewal fee and satisfactory proof of his or her qualifications to resume practicing. The reinstatement fee must be established by the board in regulation.

(C) If a license has been expired for more than three years, the board shall conduct reexamination of the applicant before issuing a new license. The examination may include practical demonstrations and written tests that the board determines to be necessary.

Mrs. Thompson stated that the statute is the law and the only way Mrs. Drain's license maybe reinstated is by examination.

MOTION:

Mrs. Thompson made a motion to deny Ms. Drain's request for reinstatement of her cosmetology instructors license. Mrs. Webb seconded the motion, which carried unanimously.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

New Business:

Approval of DRC Report:

Mr. Blackmon briefed the Board regarding the August 2, 2010 DRC report and the August 30, 2010 DRC report.

MOTION:

Mrs. Thompson made a motion to approve the August 2, 2010 DRC report and the August 30, 2010 DRC report. Mrs. Webb seconded the motion, which carried unanimously.

Approval of IRC Report:

Mr. Andrews briefed the Board regarding the August 30, 2010 IRC report.

MOTION:

Mrs. Thompson made a motion to approve the August 30, 2010 IRC report. Mrs. Rodgers seconded the motion, which carried unanimously.

Approval of License Through Endorsement:

Lethu Ngo:

Staff notified Ms. Ngo by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members. Ms. Ngo appeared before the Board and presented testimony.

Mrs. Thompson stated after thorough review of Ms. Ngo package she was not recommending licensure through endorsement because the school listed was an apprenticeship program and the applicant received credit hours as well as apprenticeship hours. She stated that South Carolina does not recognize apprenticeship.

MOTION:

Mrs. Webb made a motion to deny Ms. Ngo licensure by endorsement but allow her to sit for the practical and written examinations. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Gut Eban Y:

Staff notified Mr. Eban Y by letter dated September 1, 2010 that the Board would review his application during this meeting and asked that he be present to answer questions from the members.

Mr. Y did not appear during this meeting.

MOTION:

Mrs. Thompson made a motion to deny licensure to Mr. Eban Y. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Tung Duy Dao:

Staff notified Mr. Dao by letter dated September 1, 2010 that the Board would review his application during this meeting and asked that he be present to answer questions from the members. Mr. Dao appeared to present testimony.

Mrs. Thompson stated that after thorough review of Mr. Dao's package she was not recommending licensure through endorsement because the endorsement application was incomplete, the Affidavit of Eligibility was not notarized, and she was not able to verify the school in which the applicant attended.

MOTION:

Mrs. Thompson made a motion to deny Mr. Dao licensure by endorsement. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Thanh Huu Nguyen:

Staff notified Mr. Nguyen by letter dated September 1, 2010 that the Board would review his application during this meeting and asked that he be present to answer questions from the members.

Mr. Nguyen did not appear during this meeting.

MOTION:

Mrs. Thompson made a motion to deny licensure to Mr. Nguyen. Mrs. Gilmer seconded the motion, which carried unanimously.

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McJetski Pham:

Staff notified Mr. Pham by letter dated September 1, 2010 the Board would review his application during this meeting and asked that he be present to answer questions from the members.

Mr. Pham did not appear during this meeting. Mr. Jones stated that he received a call from Mr. Pham requesting a continuance.

MOTION:

Mrs. Thompson made a motion to defer Mr. Pham case until the November 8, 2010 meeting. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Mrs. Sharon Dantzler advised the Board if the Board denies an applicant's license the applicant has may request within 30 days of the Board's decision for reconsideration.

Kim T. Nguyen:

Staff notified Ms. Nguyen by letter dated September 1, 2010 the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Nguyen did not appear during this meeting.

MOTION:

Mrs. Thompson made a motion to deny licensure to Mr. Nquyen. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Nancy Cavanaugh:

Staff notified Ms. Cavanaugh by letter dated September 1, 2010 the Board would review her application during this meeting and asked that he be present to answer questions from the members.

Ms. Cavanaugh did not appear during this meeting.

MOTION:

Mrs. Thompson made a motion to deny licensure to Ms. Cavanaugh. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Angelique Marie Bray:

Staff notified Ms. Bray by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Bray did not appear during this meeting.

MOTION:

Mrs. Thompson made a motion to deny licensure to Ms. Bray. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Patricia Greer:

Staff notified Ms. Greer by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members. Ms. Greer was present to give testimony.

MOTION:

Mrs. Thompson made a motion to grant Ms. Greer licensure by endorsement. Mrs. Webb seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Chang Thuy Pham:

Staff notified Ms. Pham by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Mrs. Thompson stated after thorough review of Ms. Pham's package she was not recommending licensure by endorsement because the application was incomplete, the State of Oklahoma allows apprenticeship hours, South Carolina does not recognize apprenticeship hours, Oklahoma does not require a practical examination; and requires only an eighth grade education.

MOTION:

Mrs. Thompson made a motion to deny Ms. Pham licensure by endorsement but allow her to sit for the written and practical examinations. Mrs. Rodgers seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Hue Dieu T. Vu:

Staff notified Ms. Vu by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Vu did not appear during this meeting.

MOTION:

Mrs. Thompson made a motion to deny licensure Ms. Vu. In addition, this is Ms. Vu's second request for licensure. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Truong Van Nguyen:

Staff notified Mr. Nguyen by letter dated September 1, 2010 that the Board would review his application during this meeting and asked that he be present to answer questions from the members.

Mr. Nguyen did not appear during this meeting.

MOTION:

Mrs. Thompson made a motion to deny licensure to Mr. Nguyen. In addition, this is Mr. Nguyen's second request for licensure. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Approval of Background Reports:

Henrietta Nicole Smith:

Staff notified Ms. Smith by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members. Ms. Smith was present to give testimony.

Ms. Smith appeared before the Board and briefed the Board regarding her criminal history report.

MOTION:

Mrs. Thompson made a motion to approve licensure to Ms. Smith. Mrs. Webb seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Michelle Harrison:

Staff notified Ms. Harrison by letter dated June 16, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Harrison appeared before the Board and briefed the Board regarding her criminal history report.

MOTION:

Mrs. Thompson made a motion to approve licensure to Ms. Harrison with one-year probation; and after one year, she must provide a current SLED report at her own expense. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Ashanti R. White:

Staff notified Ms. White by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ashanti White appeared before the Board and briefed the Board regarding her criminal history report

MOTION:

Mrs. Gilmer made a motion to approve licensure to Ms. White's with one-year probation; and after one year she must provide a current SLED report at her own expense. Mrs. Brown seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Megan L. Puett:

Staff notified Ms. Cook by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Cook appeared before the Board and briefed the Board regarding her criminal history report.

MOTION:

Mrs. Thompson made a motion to approve licensure to Ms. Puett with two-year probation; and after one year, she must submit a clean SLED report at her own expense. In addition, Ms. Pruet must furnish results from any drug testing done while on probation. Mrs. Brown seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Jennifer E. Ruffing:

Staff notified Ms. Ruffing by letter dated September 1, 2010 the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Ruffing appeared before the Board and briefed the members regarding her criminal history report.

MOTION:

Mrs. Thompson made a motion to approve licensure for Ms. Ruffing with a one-year probation period; and after the one year, she must submit a clean SLED report at her own expense. Mrs. Webb seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Cecili R. Crenshaw:

Staff notified Ms. Crenshaw by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Crenshaw appeared before the Board and briefed the members regarding her criminal history report.

MOTION:

Mrs. Rodgers made a motion to approve Ms. Crenshaw for licensure with one-year probation period; and after the one year, she must submit a clean SLED report at her own expense. Mrs. Thompson seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Kristy G. Reid:

Staff notified Ms. Reid by letter dated September 1, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

Ms. Reid appeared before the Board and briefed the members regarding her criminal history report.

MOTION:

Mrs. Rodgers made a motion to approve Ms. Reid for licensure with one-year probation period; and after the one year, she must submit a clean SLED report at her own expense Mrs. Webb seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.)

Approval for Esthetician Application:

Bicola G. DeJimenez

Staff notified Ms. DeJimenez by letter dated May 14, 2010 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

MOTION:

Mrs. Thompson made a motion to deny Ms. DeJimenez's esthetician application. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval for Out – of - State CEU Credit:

Annie M. Marie:

The Board received a request from Annie M. Marie that the Society of Dermatology Skincare Specialists be approved as a continuing education provider.

MOTION:

Mrs. Thompson made a motion to deny Mrs. Marie's request to have Society of Dermatology Skincare Specialists be approved as continuing education class. Mrs. Webb seconded the motion, which carried unanimously.

Approval of CEU Changes:

Chesley Phillips – Nails, Skin & Hair of America, LLC

On August 25, 2010 the Board received a request from Nails, Skin & Hair of America, LLC to add a nail class on October 10, 2010 in Charleston, South Carolina; add a skin class on October 11, 2010 in Charleston, South Carolina; and add a nail class on October 24, 2010 in Charleston, South Carolina. All of the classes will be held at the Hilton Garden Inn, 5265 International Blvd., North Charleston, South Carolina.

MOTION:

Mrs. Thompson made a motion to approve the three changes for Nails, Skin & Hair of America, LLC 2010 continuing education classes. Mrs. Webb seconded the motion, which carried unanimously.

Jay Lacy – Palmetto Professionals of Cosmetology (PPC):

On August 12, 2010, the Board received a letter from Jay Lacy of Palmetto Professionals of Cosmetology (PPC) seeking the Board's approval for an instructor change by adding an instructor Patricia Salas, license number KK49450; and Donna Campbell, license number CT#1689.

MOTION:

Mrs. Thompson made a motion to approve the Palmetto Professionals Of Cosmetology (PPC) request to add instructors Patricia Salas and Donna Campbell. Mrs. Gilmer seconded the motion, which carried unanimously.

Dorothy Jones – Advanced Association Cosmetology:

On June 24, 2010, the Board received an email from Dorothy Jones of Advanced Association Cosmetology requesting a location change for a November 14, 2010 cosmetology continuing education class; adding an instructor; and making an agenda change.

MOTION:

Mrs. Thompson made a motion to approve the Advanced Association Cosmetology request for the three changes. Mrs. Webb seconded the motion, which carried unanimously.

Approval of School Applications:

Gianna Gardner, Lower Richland High School, Hopkins South Carolina:

On July 7, 2010 the Board received a cosmetology school application from Lower Richland High School. Mr. Marvin Byers will be the director and Ms. Zorida Wright-Perry will be the instructor. Staff notified

the school by letter dated September 1, 2010 that the Board would review the application during this meeting and asked that a representative be present to answer any questions the members may have.

MOTION:

Mrs. Thompson made a motion to allow the Chairman to form a committee comprised of Board members and possibly staff to receive quarterly reports from vocational schools to verify and validate student attendance hours effective January 2011. Mrs. Gilmer seconded the motion, which carried unanimously.

MOTION:

Mrs. Thompson made a motion to approve the Lower Richland High School application upon the Chairman appointing the committee to receive and validate student attendance hours. Mrs. Gilmer seconded the motion, which carried unanimously.

Linda Beach – Change of School Name:

On September 10, 2010 the Board received a cosmetology school application to change the school name from South Carolina Massage and Esthetics Institute to the International Spa Institute. Staff notified South Carolina Massage and Esthetics by letter dated September 1, 2010 that the Board would review the application during this meeting and asked that a representative be present to answer questions from the members.

MOTION:

Mrs. Thompson made a motion to approve the name change of South Carolina Massage and Esthetics Institute to the International Spa Institute of Bluffton and International Spa Institute of Myrtle Beach. This name change does not include the Columbia location. Mrs. Webb seconded the motion, which carried unanimously.

Jacqueline Browder, Change of School Owner:

On September 13, 2010 the Board received a cosmetology school application from Carolina College of Cosmetology requesting the change of ownership. The school will be located in Conway, South Carolina; the instructor will be Jacqueline Browder; and Mr. Jimmy Hardee will be the owner. Staff notified Carolina College of Cosmetology by letter dated September 1, 2010 that the Board would review the application during this meeting and asked that a representative be present to answer questions from the members.

MOTION:

Mrs. Thompson made a motion to approve the change of ownership of Carolina College of Cosmetology to Mr. Jimmy Hardee. Mrs. Webb seconded the motion, which carried unanimously.

Approval for CEU Provider:

Linh Cao

The Board received a request for a new continuing education provider from Mrs. Linh Cao on behalf of Avalon Association LLC. Staff notified Mrs. Linh Cao by letter dated September 1, 2010, that the Board would review the application during this meeting and asked that a representative be present to answer questions from the members.

Mrs. Kinley informed Mrs. Cao that a membership roster is required in order for her to be an approved continuing education association.

MOTION:

Mrs. Thompson made a motion to deny Mrs. Cao's request to become a continuing education provider. Mrs. Webb seconded the motion, which carried unanimously.

Michelle Hampton-Furtick:

The Board received a request from Mrs. Michelle Hampton-Futrick of Vontae's Advance Training LLC seeking the Board's approval of a continuing education association. Mrs. Hampton-Furtick presented a copy of her membership list and the Certificate of Existence to the Board.

MOTION:

Mrs. Thompson made a motion to approve Mrs. Hampton-Furtick's request to become an continuing education association. Mrs. Webb seconded the motion, the motion carried unanimously.

Deanna Hendrix:

The Board has received a request from Ms. Deanna Hendrix of Avalon Association seeking Board approval of a new association. Staff notified Ms. Hendrix by letter dated September 1, 2010 that the Board would review the application during this meeting and asked that a representative be present to answer questions from the members.

MOTION:

Mrs. Thompson made a motion to deny Mrs. Hendrix as a continuing education provider. Mrs. Webb seconded the motion, which carried unanimously.

Request for Reinstatement:

Pearlette Hunter:

The Board received a request from Ms. Hunter requesting a reinstatement of her cosmetology license. Staff notified Ms. Hunter by letter dated September 1, 2010 that the Board would review the application during this meeting and asked that she be present at the meeting to answer questions from the members.

Ms. Hunter was not present.

MOTION:

Mrs. Thompson made a motion to deny Ms. Hunter's request for reinstatement. Mrs. Gilmer seconded the motion, which carried unanimously.

Request for a Permit:

Mary Michelle Martin:

The Board received a request from Ms. Micelle Martin requesting a cosmetology work permit. Staff notified Ms. Martin by letter dated September 1, 2010 that the Board would review her request during this meeting and asked that she be present to answer questions from the members.

Mrs. Kinley stated that the Board does not grant work permits.

MOTION:

Ms. Rodgers made a motion to deny Ms. Martin's request because the Board does not grant work permits. Mrs. Webb seconded the motion, which carried unanimously.

State Law Examination:

Mrs. Kinley stated reported the Committee met regarding the state law examination and it is their opinion that the state law examination is an expense not only for the state for development but also to the candidate having to take another examination. She stated that the Board has always allowed all applicants to sign an Affidavit declaring that they have read, understand and willing to abide by the laws of South Carolina. The Committee met and determined the following:

1. State law examination should be 50 questions derived from both the cosmetology statues and regulations;
2. A passing rate of 75 must be obtained for licensure;
3. Examination is delivered CBT;

4. Questions will be not be specific to the modalities of cosmetology, nail technology or esthetics but will be questions that are pertinent to all modalities of licensure.
5. A RFP be issued for pricing for development and delivery of examination;
6. A committee of the Board chaired by Rosanne Kinley will serve as a subject matter expert in the development of the examination; and
7. Request LLR to submit an amendment to the Regulations to remove §35-5-G.

MOTION:

Mrs. Thompson made a motion to accept the committee recommendations regarding §35-5-G state law examination. Mrs. Gilmer seconded the motion, which carried unanimously.

MOTION:

Mrs. Thompson made a motion to request LLR submit a regulation change to omit the state law test requirement in regulation 35-5(G). Mrs. Webb seconded the motion, which carried unanimously.

Online Continuing Education:

Mrs. Kinley reported that she conducted extensive research within LLR and other state cosmetology boards that require continuing education and found that the majority of the boards allow some of the hours to be obtained online. Therefore, she asked the Board to allow pre-approved continuing education providers whom would like to participate be allowed to conduct online continuing education with guidelines approved by the Board. The following guidelines were recommended:

1. One-half of the hours per twenty-four month period be allowed online;
2. The licensee be able to obtain one-half of continuing education online;
3. A timing magnesium be implemented into the online study;
4. Test be administered at the end of the online class;
5. Course description be submitted along with the instructor's name;
6. Whole hour intervals;
7. Educator would have to submit bio or resume;
8. Submit electronic sign-in sheet;
9. Must be approved in the October packages; and
10. Must be approved by the Board.

MOTION:

Mrs. Thompson made a motion to allow existing South Carolina continuing education providers to conduct online continuing education if they choose to submit; and they must adhere to existing guidelines for continuing education other than the ones that may be mandated specifically online continuing education. Mrs. Gilmer seconded the motion, which carried unanimously.

TOEFL Examination:

Mrs. Kinley reported that the TOEFL ("Test of English as a Foreign Language,") Examination which is an English proficiency examination. Mrs. Kinley recommended that the Board re-implement the TOEFL Examination for all applicants for licensure, whether it is an initial South Carolina license; endorsement license; or a reinstated license that was born in a non-English speaking country. The applicant must successfully complete the TOEFL examination prior to taking the theory and practical examinations and subsequence license at own their expense.

MOTION:

Mrs. Thompson made a motion to adopt the TOEFL Examination Policy for any applicant that comes from a non-English speaking country. Mrs. Rodgers seconded the motion, which carried unanimously.

Requirement of Tenth Grade Prior To Enrollment:

Mr. Eddie Jones reported that §40-13-230 states that a license as a cosmetologist must be issued by the Board to a person who is at least sixteen years of age and possesses at least a tenth grade education or

the equivalent as established by tests used in the public schools or tests approved by the Board. He stated that it is the responsibility of the testing services to make sure proof of education is provided.

MOTION:

Mrs. Thompson made a motion that vocational schools are exempt from the contractual agreements as stated in the statute, therefore; their students can enroll but cannot be licensed until they are sixteen years of age and completed the successfully the tenth grade. Mrs. Webb seconded the motion, which carried unanimously.

Tuberculin Skin Test:

Mrs. Kinley reported that neither the statute nor regulations supports the Tuberculin skin test, therefore, she recommended that the Board do away with the policy requiring tuberculin skin testing.

MOTION:

Mrs. Gilmer made a motion to do away with the Tuberculin Skin Test Policy. Mrs. Rodgers seconded the motion, which carried unanimously.

Endorsement Verification from Home State:

Mrs. Kinley reported that Board issued a policy to allow the Office of Licensure and Compliance to issue licenses to anyone who was originally licensed in South Carolina; moved away and obtained an endorsement license, since moved back to South Carolina and obtained their original license number. It was brought to the Board's attention that the Office of Licensure and Compliance cannot verify original licenses from years back.

Ms. Theresa Richardson stated that the applicant must provide proof that they have taken and passed a nationally recognized examination in order to be endorsed in South Carolina. If they cannot provide the information, they have the option of appearing before the Board.

Mrs. Kinley made a recommendation to require the Office of Licensure and Compliance to forward all applications in which they cannot determine verification of licensure to the Board Chairman; and if she cannot make the determination, the applicant be required to appear before the Board.

MOTION:

Mrs. Rodgers made a motion to require the Office of Licensure and Compliance to forward all applications in which they cannot determine verification of license to the Board Chairman; and if she cannot make the determination, the applicant be required to appear before the Board. Mrs. Webb seconded the motion, which carried unanimously.

Angela Morrision- Aiken School of Cosmetology

The Board received a request from Aiken School of Cosmetology requesting the Board's approval for a change of location.

MOTION:

Mrs. Webb made a motion to approve Aiken School Of Cosmetology request for a change of location and schedule their preliminary inspection. Mrs. Gilmer seconded the motion, which carried unanimously.

Electronic Board Meeting Packages:

Mrs. Kinley made a recommendation to allow staff to forward board meeting packages electronically to all members who choose to receive the packages electronically. In addition, she requested that the packages not be sent in PDF format.

MOTION:

Mrs. Thompson made a motion to allow staff to forward board meeting packages electronically to all members who choose to receive the packages electronically. Mrs. Gilmer seconded the motion, which carried unanimously.

Board Member Reports:

Mrs. Gilmer reported that she attended the practical examination on the August 16, 2010, at the Clarendon Hotel. there were 116 cosmetologists, 14 estheticians, 12 nail technicians, and 20 instructors. She stated that she attended the NIC Conference and she enjoyed esthetician segment session.

Mrs. Rodgers reported that she attended the NIC Conference and there was a lot of pertinent information shared. She stated that she was amazed that Ohio had adopted the Bio Matrix System.

Mrs. Thompson reported that she attended the NIC Conference and it was honor to be appointed as the Chairman of the Nominating Committee. She advised the continuing education providers that because of the three-change policy in lieu of assigning a specific instructor for each class, they may submit a list that includes instructors, monitors; examinations dates, class dates and a copy of the instructor's license. In addition, she reminded them to make sure they met all the continuing education requirements when submitting the continuing education packages.

Mrs. Brown – no report.

Mrs. Webb reported that on May 27, 2010 there was a change of location for Upstate Beauty School, which was moved approximately seven miles from the original location in Easley, South Carolina. On May 27, 2010 Nail Tech Academy had a change of ownership. She attended board hearings held June 25th – 28th, 2010. She monitored the practical and nail technicians examinations on July 18, 2010. On August 16, 2010 she attended the second inspection with Tracey McCarley of the new Kenneth Shuler School located in Powdersville, South Carolina. On August 27, 2010, she attended the NIC Conference and it was a wonderful conference.

Discussion:

Re-write of RFP:

Mrs. Kinley reported in late July there were some concerns with the Office of Licensure and Compliance and PCS that needed a resolution. A conference call was initiated with the Board's Chairman, Mr. Jones, Mr. Bryant, representatives from the OLC and representatives from PCS. It was determined pursuant to the contractual agreement between both parties they are required to submit in writing any concerns if there are any problems. Mr. Bryant instructed OLC, specifically Mr. Hayes, to develop a written summary of concerns regarding PCS and submit to PCS for a response. She reported as of last week this has not occurred therefore, until this occurs the Board does not feel comfortable in participating in a rewrite of a RFP and respectfully request that LLR not issue an RFP.

MOTION:

Mrs. Thompson made a motion to request that LLR not engage in the rewrite or require a re-write authority regarding the RFP. Mrs. Webb seconded the motion, which carried unanimously.

Public Comments:

Mr. Ken Lockridge

Mr. Ken Lockridge stated that he appreciated that the Board assisting the applicants appearing before the Board wanting to become CEU providers but they should have all their paperwork together prior to appearing.

Ms. Colleen Large

Ms. Colleen Large asked if an individual with infractions who wants to become a CEU provider would be hindered from becoming a CEU provider. Also, she asked who is responsible for updating the CEU information on the website.

Mrs. Kinley reported that if the applicant has infractions on their license they would have to appear before the Board.

Mr. Jones stated that Mrs. Wider receives the information from USC, however; if the individuals do not list the correct social security number, they would not be able to retrieve the information from the website. He reported that he would speak with staff and have the matter corrected.

Mr. Steve Dawn

Mr. Steve Dawn reported that the Board of Cosmetology website has the 2009 final draft of the regulations posted. In addition, the website has the new regulations dated June 25, 2010 as well as the old regulations posted under Laws and Policies. He reported when the State Association received the Regulations from the Board they were all ready marked up and several sections were already deleted.

Mrs. Thompson stated that she has seven copies of proposed regulation changes; each copy was different; and three of the seven says final draft. The final draft has several sections deleted or reworded that were not on the other seven copies.

November 8, 2010 Room 108

The next meeting for the South Carolina Board of Cosmetology is scheduled for Monday, November 8, 2010, in conference room 108.

Adjournment:

MOTION:

There being no further business to be discussed at this time, Mrs. Gilmer made a motion the meeting be adjourned. Mrs. Brown seconded the motion, which carried unanimously.

The September 13, 2010, meeting of the SC Board of Cosmetology adjourned at 3:07 p.m.