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APPROVED MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., September 9, 2013
Synergy Business Park
Kingtree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina 29210

Meeting Called to Order

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

Rules of the Meeting Read by the Chairman

Introduction of Board Members:

Chairperson Melanie C. Thompson called the regular meeting of the Board of Cosmetology to order. Other Board members present for the meeting included, Janice Curtis, Cindy Rodgers, Selena M. Brown, and Stephanie Nye.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Tracey McCarley, Administrator; Robbie Boland, Andrew Rogers, Assistant General Counsel; George Barr, Raymond Lee, Investigations; Matteah Taylor, Roz Bailey-Glover, Administrative Staff; Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Chesley Phillips, Amy Davis, Hassan Saheb, Nannette Saheb, Courtney G. Freeman, Beatriz Hernandez, Jay Lacy, Steven Dawson, Mary Rock, Nancy Poole, Nikki Stevenson, Sandra W. Morgan, Shawonda Thomas, Colleen Large, Jayson Lacy, Gloria Wilson, Dalton Hall, Gloria Smith, Angie Shuller, Cindy Collins, Ron O. Youmans, Vera Thomas (Murray), James Jackson, Tiffany Gardner, Kocyfica Etheredge, Angela Morrison, Raymond Lee, Kate Shelton, Bob Mackelhanney.

Approval of Excused Absences: None

Approval of the Minutes for: July 15, 2013

MOTION:

Ms. Curtis made a motion to approve the minutes with changes stated. Ms. Rodgers seconded the motion, which carried unanimously.

Approval of the Minutes for: July 16, 2013

MOTION:

Ms. Brown made a motion to approve the minutes with changes stated. Ms. Curtis seconded the motion, which carried unanimously.

52 **Approval of Agenda**

53

54 **MOTION:**

55 Ms. Curtis made a motion to approve the agenda with any deviations necessary. Ms. Rodgers seconded
56 the motion, which carried unanimously.

57

58 **Administrator's Remarks – Tracey McCarley**

59 Ms. McCarley turned the meeting over to Ms. League.

60

61 **New Regulations – Mary League**

62 Ms. League stated that part of the changes passed pertained to education and the curriculum. However,
63 there are still regulations regarding education requirements that have not passed and Ms. League asked
64 the Board for their input and if they wanted to proceed with trying to push the changes through. The
65 previous regulation changes pending regarding citation and sanitation will be decided upon sometime in
66 February 2014. Ms. League let the Board know the regulations that were affected covered applications to
67 approve schools for cosmetology, nail technology and esthetics and some building requirements for
68 schools. The minimum curriculum that passed had additional requirements for instructor qualifications,
69 examinations, cosmetology school classifications, transcripts and instructor endorsement regulations.
70 Section 35-10 dealt with contracts and transcripts. In addition, there were regulations regarding out of
71 state applications, continuing education requirements, expired licenses and continuing education
72 programs. Ms. League stated that section 35-3 passed.

73

74 Ms. League stated that the sanitation and citation regulations were submitted a year earlier than the
75 regulation changes she just discussed so the citation and sanitation regulations are timing out. The
76 regulations Ms. League wants the Board to decide on were submitted later, and could potentially also
77 time-out. Ms. League asked the Board if they wanted to work on the regulations. Some discussion
78 ensued. Ms. League stated that in Section 35-13 referring to out of state applicants, and that the Board
79 declined to make the changes to the required 1500 hours of training and allow credit for work experience.
80 The Board chose not to revise this particular item. Ms. Thompson asked that this topic be deferred so the
81 Board can have an opportunity to review what was initially decided.

82

83 **MOTION:**

84 Ms. Rodgers made a motion to defer the discussion until late afternoon. Ms. Curtis seconded the motion,
85 which carried unanimously.

86

87 **Financial Monthly Report – June - July 2013**

88 The Board received the monthly financial report. Ms. Thompson wanted the record to reflect that the
89 numbers still do not make sense. The finance report will be discussed at the September 10, 2013 meeting.

90

91 **OIE Report – Office of Investigations and Enforcement – Sharon Wolfe**

92 Ms. Wolfe had to attend another meeting so Ms. McCarley covered the OIE Report for the Board. Ms.
93 McCarley stated that the total number of active cases from January 1, 2013 – September 6, 2013 were as
94 follows: 14 active cases, 13 closed cases, 26 pending board actions, and 11 cases marked do not open for
95 a total of 74 cases. For the same period, there is 1 active case, 100 closed and 11 marked as do not open
96 for a total of 112 closed cases reported.

97

98 **IRC Report – Andrew Rogers**

99

100 Ms. McCarley let the Board know that the IRC report was included in their packets. Ms. Thompson had
101 questions about case #2013-242. Mr. Rogers reviewed the report with the Board. The Board had
102 questions regarding the injury sustained in case #2013-242 the case was dismissed. The investigation for

103 this case determined that there was no evidence of a violation. In addition, the medical records could not
104 conclude if an injury was due to an infection or an allergic reaction. A complaint was filed on the client's
105 behalf. A few days after the complaint was filed, the salon was investigated and the area was tested, and
106 found to be clean. Ms. Thompson stated that the Board required more information on case #2013-83 and
107 case #2013-196. Mr. Rogers stated that he would provide additional information to the Board at a later
108 date. The OIE report and the IRC report were accepted as information only.

109

110 **Inspection Report – Approval of Inspection Report – Robbie Boland**

111 Mr. Boland reviewed the Inspection Report with the Board. For July there were 369 inspections, 5 of
112 which were schools. For August there were 495 inspections, 13 of which were schools. Year-to-date,
113 there were 864 inspections, 18 of which were schools. The Board accepted the report as information only.

114

115 The Board reviewed the Inspection Violation Report for August 2013 and had questions about case files
116 2013-251 through 254. Mr. Boland briefly explained the violations to the Board satisfaction. There were
117 also questions about case file numbers 2013-218 through 220 regarding cheese graters devices found in
118 salons which Mr. Boland also explained. The Inspection Report was accepted as information.

119

120 **OGC Report – Office of General Counsel – Andrew Rogers**

121 Mr. Rogers reviewed the OGC case load statistics with the Board. He stated that there were 214 open
122 cases, 125 pending actions, 76 pending CA/MOA's, 1 pending a hearing, 9 cases pending final order
123 hearings, 13 closed cases and 3 appeals pending.

124

125 Ms. Thompson had questions about the Inspection Violation Report case file #2013-196. Mr. George
126 Barr, Board investigator, explained that there was evidence to prove a violation. Regarding case #2013-
127 242, the inspection was unable to contact the person who filed the complaint so the case was dismissed.
128 Case #2013-83, there was no evidence found to support the complaint. The Board had further questions,
129 so Mr. Rogers let them know that he would review the cases and get back to the Board at a later date.

130

131 **MOTION:**

132 Ms. Curtis made a motion to accept the Inspection Violation Report excluding case #2013-83. Ms.
133 Rodgers seconded the motion, which carried unanimously.

134

135 **Consider obtaining expert witnesses for each credential type: Cosmetology, Nail Technician and**
136 **Esthetician – Andrew Rogers**

137 Mr. Rogers stated that the Board should consider naming and expert witness for each credential type for
138 cases where the State may need to call upon an expert to clarify gray areas. Cases that would require an
139 expert witness represent a very small number of cases. The person would have to have experience in their
140 field but there is no minimum experience required. Other Boards use expert witnesses, and this person
141 would be called upon by the OGC office to testify. The Board has six months to decide upon an expert
142 witness.

143

144 Ms. Thompson questioned why the person named as the hearing officer has not been activated. Mr.
145 Rogers had no answer. Ms. Thompson stated that the Board needs to know why the hearing officer they
146 selected has not been put in place. It appears to be a compensation issue or some other issue which has
147 not been resolved. Mr. Rogers must let the Board know the status of the selection of Mr. Eddie Jones, as
148 the hearing officer or they can select another person. At this time, Ms. Thompson has agreed to
149 temporarily stand in as the hearing officer, but there must be an end in sight.

150

151 Ms. Thompson wanted to know if the expert witness would be compensated for their time. Mr. Rogers
152 stated that some business boards pay their witness and some do not. It's the Board's decision to
153 compensate the expert witness.

154 **Old Business**

155

156 **Review for Approval of School Application - Institute of Nail Artistry – Reconsideration**

157 A letter was sent to Ms. Hernandez detailing what the Board required for the approval of the esthetics
158 program, and the 750-hour instructor training course. The Board members reviewed the new application.

159

160 **MOTION:**

161 Ms. Curtis made a motion to approve the school application for the Institute of Nail Artistry, LLC. Ms.
162 Rodgers seconded the motion, which carried unanimously.

163 **Review for Approval for Instructor Training Hours- Institute of Nail Artistry - Reconsideration**

164

165 **MOTION:**

166 Ms. Rodgers made a motion to approve the esthetics program and the 75-hour instructor program. Ms.
167 Curtis seconded the motion, which carried unanimously.

168

169 **New Business**

170 **Nancy Poole – adding disciplinary courses regarding injuring/harming the public**

171 Ms. Poole appeared before the Board to request they add disciplinary courses for those licensees who
172 injure or harm the public. Mr. Rogers stated that the IRC licensees already take courses in either
173 sanitation or law. The Board did not understand what the IRC wanted in a class and would need to decide
174 which class would be appropriate. Ms. Poole stated that consumer injuries appear to be increasing. The
175 Board would consider giving OGC a third class option in the future.

176

177 **Review for Approval for School Opening - Allendale-Fairfax High School – Reopening – Mr. Ron**
178 **Youmans**

179 Mr. Youmans appeared before the Board for the approval of his application to reopen the Allendale-
180 Fairfax High School Cosmetology program which was initially closed as of May, 2013 due to low
181 enrollment. The program has ten interested students who are in the 10th grade and have already completed
182 2 years of the program. However, students are not accumulating hours at this time. Some students
183 enrolled in the program as of May, 2013 were unable to finish the program but were eligible to graduate.
184 Those who graduated attended other private programs to complete their studies and take their exams. A
185 discussion ensued regarding 6 students who remained in the program after it was closed.

186

187 **MOTION:**

188 Ms. Rodgers made a motion to go into executive session for legal counsel. Ms. Curtis seconded the
189 motion, which carried unanimously.

190

191 **MOTION:**

192 Ms. Rodgers made a motion to return to public session. Ms. Curtis seconded the motion, which carried
193 unanimously.

194

195 During executive session no motions were made or votes taken.

196

197 **MOTION:**

198 Ms. Brown made a motion to approve the reopening of the Allendale-Fairfax High School Program. Ms.
199 Nye seconded the motion, which carried unanimously.

200

201 Ms. Thompson let Mr. Youmans know that it is the responsibility of the school to inform all students
202 enrolled and instructors in the program about the program state regulations that must be followed.

203

204 **Review for Approval for School Opening - Cosmetic Arts Institute II – Ms. Sahebekhtiari**
205 Ms. Sahebekhtiari appeared before the Board requesting approval of her application to open a second
206 school for Cosmetic Arts. The opening date will be sometime in late November, 2013 as they are waiting
207 for accreditation. The bond and application along with the new floor plan was submitted for review.
208

209 **MOTION:**

210 Ms. Curtis made a motion to approve the new school. Ms. Brown seconded the motion, which carried
211 unanimously.
212

213 **Review for Approval for Instructor Training Hours - Lacy Cosmetology Schools**

214 Mr. Lacy appeared before the Board to answer questions regarding the approval for instructor training
215 hours. Mr. Lacy stated that during an inspection it was discovered that campus files were not the same.
216 He further explained that the Goose Creek program approved in 2007 and based on the records, the
217 instructor program was approved for 1,500 hours. However, all other campus records show the instructor
218 programs approved at 750 hours. LLR Staff confirmed the application from the 1980's show a 1500 hour
219 program was approved. The Board was confused by this and stated that maybe it was a records typo on
220 the part of staff. Mr. Lacy clarified that he has four (4) locations. Each location provides instruction for
221 cosmetology, nail technicians, estheticians and instructor training. Only the Goose Creek location needs a
222 correction in the instructor training hours from 1500 to 750. The Board reviewed the documents
223 submitted and determined that the hours for the nail tech program and the esthetics program was
224 incorrect. The nail program shows 600 hours which cannot happen. The esthetics program shows 450.
225 The Board stated that the subject of exceeding the number of school hours was previously discussed. The
226 schools cannot exceed the maximum number of hours for a nails program would be 450, the maximum
227 for cosmetology would be 2250 and the maximum for an esthetics program would be 600 hours according
228 to federal guidelines so the Lacy School must comply. Mr. Lacy stated that in past years the Aiken
229 campus had a 600 hour esthetics program for the students coming in from Georgia. Mr. Lacy confirmed
230 the all programs have the following hourly requirements: 750 hours for instructors, 1500 hours for
231 cosmetologists and 600 hours for nail technicians and 600 hours for estheticians. Ms. Thompson let Mr.
232 Lacy know that he could not have a 600 hour nail technician program. Mr. Lacy stated he was not sure of
233 the hours and would have to check. Mr. Lacy stated that the Aiken location had a 1,000 hour program for
234 esthetics, but changed that a long time ago.
235

236 Ms. Thompson stated that she needed a corrected copy of the documents Mr. Lacy submitted for all
237 locations to sort out the information. The Board can however correct the Goose Creek location hours
238 today, as stated in the agenda. The 600 nail technician programs must be corrected for all locations and
239 the esthetics program must be corrected so the school does not exceed the federal regulations. Mr. Lacy
240 stated that in January, 2013 he came before the Board to have a new location approved for Lexington
241 County. However the building they were moving to has gone into foreclosure and the school is on hold.
242 Ms. Thompson let Mr. Lacy know that if he plans to move forward with the change of location he will
243 have to submit a new application once he sorts out the foreclosure matter. Mr. Lacy stated that the
244 contract for the Lexington school relocation was included. Ms. Thompson stated that with the changes
245 and the foreclosure that Mr. Lacy would have to submit a new contract and application once the
246 Lexington location situation is figured out. Submit a new packet for approval for the new Lexington
247 location. If there is a contract change for any location, the Board must approve the changes. Mr. Lacy
248 stated that he thought if he submitted a new contract change for the new location that it would affect all
249 locations. The Board let him know that he has to submit all contract changes to the Board for any
250 location. The 600 hours are still included in the contract and must be corrected. All school contracts must
251 be universal for all locations.
252
253
254

255 **MOTION:**
256 Ms. Brown made a motion to approve the 750 hour instructor program for the Goose Creek location.
257 Ms. Rodgers seconded the motion, which carried unanimously.

258
259 Ms. Thompson clarified that this motion corrects a past error made years ago in the contract which
260 previously required 1500 hours for the instructor program.

261
262 Ms. Taylor let the Board know that Mr. Lacy wanted all of the school contracts to be changed to the 750
263 hour instructor program, not just the Goose Creek location.

264
265 **Review for Approval to Add to the Current Cosmetology Program Curriculum - Greenville**
266 **Technical College – Mary Rock**

267 Ms. Rock appeared before the Board to request approval for the following classes to be included:
268 Customer Service Principles, Marketing 101, Sales Principles and Personal Finance. In addition Ms. Rock
269 wants to add the following instructors to teach the courses: Marty Flynn, MBA, Tim Smith, MBA and
270 James Bennett, MBA. The new classes will be added at no extra cost to the students.

271
272 **MOTION:**
273 Ms. Rodgers made a motion to go into executive session for legal counsel. Executive session will include
274 30 minutes for lunch. Ms. Curtis seconded the motion, which carried unanimously.

275
276 **LUNCH**

277
278 **MOTION:**
279 Ms. Rodgers made a motion to return to public session. Ms. Curtis seconded the motion, which carried
280 unanimously.

281
282 During executive session no motions were made or votes taken.

283
284 **MOTION:**
285 Ms. Nye made a motion to deny the enhancement to the Greenville Technical College program as
286 submitted. Although the Board agrees with the concept, the Board needs the logistics on how the program
287 will be tailored to fit in with the current program. Greenville Technical College must submit a detailed
288 proposal to the Board which will include program clock hours and not credit hours. Ms. Rodgers
289 seconded the motion, which carried unanimously.

290
291 **Review for Approval of Continuing Education Changes/Adds**

292
293 **SCPBCA – Jacqueline Golden**
294 Ms. Golden appeared before the Board seeking approval for the following changes:
295 - **cancellation of a class @ Daniel Morgan 12/15/2013;**
296 - **change location (NT) @ Daniel Morgan 12/15/2013 to Furman University;**
297 - **change date (Instructor) @ Furman University on 12/7 & 12/8 to 12/15 & 12/16**

298
299 **MOTION:**
300 Ms. Brown made a motion to approve all the changes as presented. Ms. Curtis seconded the motion,
301 which carried unanimously.

302
303 **SCPBCA – Jacqueline Golden - Add Brittany Vaughn (IRC 3514)**
304 Ms. Golden appeared before the Board to add a new instructor for 2013. This makes the associations 4th
305 change for the year.

306 **MOTION:**
307 Ms. Curtis made a motion to approve Ms. Brittany Vaughn. Ms. Brown seconded the motion, which
308 carried unanimously.

309
310 **Review for Approval of Continuing Education Changes/Adds - Jolei's – Shawonda Thomas -**
311 **change location (Instructor) 09/22/13 & 9/23/13**
312 Change submitted August 21, 2013 and does not meet the 45 day requirement to change the instructor.

313
314 **MOTION:**
315 Ms. Curtis made a motion to deny the request to change the September 22nd and 23, 2013 class dates, and
316 instructor. The changes do not meet the 45 day requirement for submission. Ms. Rodgers seconded the
317 motion, which carried unanimously.

318
319 Ms. Thompson suggested Ms. Thomas choose a later date.

320
321 **Jolei's – Shawonda Thomas - change location (RC) 11/11/13**
322 Change submitted August 21, 2013, meets the 45 day requirement.

323
324 **MOTION:**
325 Ms. Curtis made a motion to approve the November 11, 2013 location change. Ms. Brown seconded the
326 motion, which carried unanimously.

327
328 **SCSCA – Cindy Collins - change of location (RC) @ Birnie Hope Center to West End Community**
329 **Church**
330 Ms. Collins appeared before the Board seeking approval to change the November 10, 2013 class in
331 Sumter SC from the Birnie Hope Center to the West End Community Church. SCSCA will also need to
332 put in a change for the November 12, 2013 class.

333
334 **MOTION:**
335 Ms. Brown made a motion to approve the location change. Ms. Rodgers seconded the motion, which
336 carried unanimously.

337
338 **Review for Approval of Continuing Education Associations -Southeastern Esthetics Institute, LLC**
339 **– Courtney Freeman**
340 Ms. Freeman appeared before the Board seeking approval of a Continuing Education Association for
341 Southeastern Esthetics Institute, LLC. The Board reviewed the association application.

342
343 **MOTION:**
344 Ms. Curtis made a motion to approve the new association for continuing education. Ms. Nye seconded
345 the motion, which carried unanimously.

346
347 **Review for Approval of Continuing Education Associations -Cosmetic Arts – Nannette**
348 **Sahebekhtiari**
349 Ms. Sahebekhtiari appeared before the Board seeking approval of a Continuing Education Association for
350 Cosmetic Arts. The Board reviewed the association application.

351
352 **MOTION:**
353 Ms. Rodgers made a motion to approve the new association. Ms. Curtis seconded the motion, which
354 carried unanimously.

355
356

357 **Review for Approval of Continuing Education Associations- CE Training Course, INC – Jayson**
358 **Lacy**

359 Mr. Lacy appeared before the Board seeking approval of a Continuing Education Association for CE
360 Training Course, INC. The Board reviewed the association application.

361
362 **MOTION:**

363 Ms. Rodgers made a motion to approve the new association. Ms. Nye seconded the motion, which
364 carried unanimously.

365
366 **Review for Approval of Continuing Education Associations- Greenville Upstate SC CEU**
367 **Cosmetology Continuing Education – Sandra Morgan**

368 Ms. Morgan appeared before the Board seeking approval of a Continuing Education Association for
369 Greenville Upstate SC CEU Cosmetology Continuing Education, LLC. The Board reviewed the
370 association application.

371
372 **MOTION:**

373 Ms. Curtis made a motion to approve the new association. Ms. Rodgers seconded the motion, which
374 carried unanimously.

375
376 **Review for Approval of Continuing Education Associations -pHaze III Beauty Association, LLC –**
377 **Vera Thomas**

378 Ms. Thomas appeared before the Board seeking approval of a Continuing Education Association for
379 pHaze III Beauty Association, LLC. The Board reviewed the association application and indicated that
380 there were no members on the list submitted to represent the Upstate.

381
382 **MOTION:**

383 Ms. Curtis made a motion to deny the association as they will need members from the Upstate. Ms. Nye
384 seconded the motion, which carried unanimously.

385
386 **Deferred Matter from Earlier Session: New Regulations – Mary League**

387
388 **MOTION:**

389 Ms. Curtis made a motion not to resubmit any changes for this legislative period, and that the Board will
390 wait until next year. Ms. Rodgers seconded the motion, which carried unanimously.

391
392 **Discussion – Deferred until September 9, 2013**

393
394 **Public Comments**

395
396 Ms. Colleen Large asked for the October meeting dates. Ms. Thompson stated that the dates were not yet
397 established, but will be held approximately the third week in October. Ms. McCarley will review LLR's
398 room schedule and add dates for October 2014. The dates will be provided to everyone at the September
399 10, 2013 meeting.

400
401 Mr. Bob Mackelhanney had questions about the monthly hour reports. He stated the reports were difficult
402 to use. The document currently available cannot be saved and has to be retyped each time. It takes two
403 and a half hours to generate the report by hand. Mr. Mackelhanney stated that he runs the list and has the
404 students to sign it and then sends his list to the Board. As long as the last four digits of the social security
405 number is included along with the hours, the instructor's signature, the student signatures, and the school
406 code, the Board will accept the report.

407

408 Ms. Nannette Sabebekhtiari stated that in 2010 the Board changed information about the ATB tests and as
409 of June 2012, the Board of Education stopped using ATB examinations. The problem is, she has students
410 with ATB examinations. Ms. Matteah Taylor stated that she cannot understand why the testing service,
411 PCS, is accepting ATB examinations. Ms. Thompson clarified that the 24 month rule is in the regulations
412 and anyone wishing to take examinations after the 24 months must come before the Board on a case by
413 case basis.

414
415 Mr. Bob Mackelhanney pointed out that the Board of Education's requirements are strictly for financial
416 aid, however, the State still requires only a 10th grade education.

417
418 Mr. Steven Dawson commented that new programs were approved today without curriculums. The Board
419 let Mr. Dawson know that what was on the agenda today, a curriculum was provided to the Board.

420

421 **Adjournment**

422

423 **MOTION:**

424 Ms. Curtis made a motion to adjourn. Ms. Brown seconded the motion, which carried unanimously.

425

426

427 **The next meeting of the SC Board of Cosmetology is scheduled for September 10, 2013**

428

429

430