

**South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., May 18, 2015
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29211**

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:

Chairperson Melanie Thompson called the regular meeting of the Board of Cosmetology to order. Other Board members in attendance included, Cindy Rodgers, Janice Curtis, Stephanie Nye, Eddie Jones, Patricia Walters, and Selena M. Brown.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Theresa Richardson, Administrator; Roz Bailey-Glover, Matteah Taylor, Staff; Robbie Boland, Sharon Wolfe, George Barr, OIE; Andrew Rogers, ODC; and Tina Behles, Court Reporter.

All Other Persons Attending:

Rachel Ward, Kim Andry Sczyk, Jana Daley, LaSonya Webb, Steven Dawson, Darlene McCrea, Lonwana Ball, Brooke Mosteller, Erica Horton, Colleen Large, Gloria Smith, Kathy Johnson, Angela Morrison, Linda Green, Courtney Freeman, Sheila Dickson, April Cobb, David Slaick, Jayson Lacy, Qweshanda Mauney, and Kevin Curry.

Approval of Excused Absences: There were no absences.

Approval of the minutes:

Board Meetings

January 12, 2015

January 13, 2015

MOTION:

Eddie Jones made a motion to approve the Board minutes with the stated corrections for January 12, 2015. Cindy Rodgers seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion to approve the Board minutes with the stated corrections for January 13, 2015. Eddie Jones and Selena Brown seconded the motion which carried unanimously.

Approval of Agenda:

MOTION:

Janice Curtis made a motion to approve the agenda with any deviations necessary. Selena Brown seconded the motion which carried unanimously.

Administrator's Remarks – Theresa Richardson:

Ms. Richardson turned the remarks over to Ms. Thompson. Ms. Thompson expressed a bitter-sweet retirement farewell to Investigator, George Barr. Ms. Thompson thanked George Barr for his many years of service.

Financial Report:

Within your packets were the financial reports from December through April. Ms. Richardson stated any questions or concerns to submit them in writing and they will be directed to the Financial Director to address. Ms. Thompson mentioned the drastic increases are puzzling to her.

OIE Report – Office of Investigations and Enforcement – Sharon Wolfe:

The cases received from January 1, 2015 through May 13, 2015 include 61 cases. Among the 61 cases are: 6 were active cases in investigations, 2 were closed cases, 37 were do not open cases, 7 were opened cases, these cases are waiting to be assigned to an investigator, 3 were pending Board action. There were 7 total active cases through May 13, 2015. Cases that were closed through May 13, 2015 are 108. There were a total of 63 cases that are closed and 45 were do not open cases.

IRC Report – Sharon Wolfe:

As of April 14, 2015 the IRC committee met and reviewed 21 cases. Out of those 21 cases, 1 case was sent a letter of caution, 1 case was a reconsideration case for a letter of caution to be issued, 12 cases were reconsideration cases for dismissal, and 7 cases were dismissed with cease and desist.

MOTION:

Selena Brown made a motion to accept the IRC report. Patricia Walters seconded the motion which carried unanimously.

ODC Report – Andrew Rogers:

As of May 15, 2015 ODC had 142 open cases. There were 4 pending citations, there were 0 pending CA draft, 2 pending FC draft, 59 pending Atty review, 3 pending CA/MOA, 26 pending Board actions, 39 pending hearings, 21 pending final order hearings, 2 pending final orders/closures, 4 appeals, 0 are being rescheduling, 16 pending IRC, and as of February 25, 2015 20 cases were closed.

MOTION:

Cindy Rodgers made a motion for a break. Eddie Jones seconded the motion which carried unanimously.

Ms. Thompson called the meeting back to order.

Discussion Regarding Procedures for Non-Compliant Citations – Andrew Rogers

There were no advice procedures in place to inform respondents of what would happen if they were non-compliant and the citations were not paid. This situation resulted in discussion of how to handle these cases. These cases were referred back to the Office of Disciplinary Counsel (ODC) for prosecution and brought before the Board as a hearing. ODC was informed they did not have jurisdiction and the disciplinary cases were dismissed. ODC recommended if respondents refuse to pay their citation fines that their licenses be flagged for non-compliance and the license would not be renewable until the fine is paid. Moving forward, ODC has worked with the Office of Inspections to make adjustments to the citation form for the clarity of unpaid fine situations. If the licensee becomes non-compliant in the future the license will be administratively suspended until the fine is paid. The older citations that have not been closed will result in the licenses being administratively suspended until the fines are paid.

MOTION:

Janice Curtis made a motion to accept the ODC recommendation for the non-compliant citations. Eddie Jones seconded the motion which carried unanimously.

Guidance on How to Handle ALC Decision – Andrew Rogers

In a case where there were two separate inspections and violations are found each time for unlicensed practice. There were two counts against the salon and one count against the owner/manager. The salon entered into a consent agreement for \$3000 of six counts of unlicensed practice. The ALC took into account that the owner/manager is the same person and the salon is not a corporation but operating as a sole proprietorship. In the eyes of the law the business is the person. The ALC's opinion is if the owner and the manager are the same person and the business is being operating as a sole proprietorship the board cannot fine both the salon and the owner/manager for the exact same violations.

MOTION:

Janice Curtis made a motion to enter into executive session for legal advice. Stephanie Nye seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion to enter back to regular session. Eddie Jones seconded the motion which carried unanimously.

During executive session no motions were made and no votes were taken.

MOTION:

Stephanie Nye made a motion pursuant to the ALC's ruling in Pham v. South Carolina Department of Labor, Licensing & Regulation, and the South Carolina Board of Cosmetology. Docket 13-ALC-11-0148-AP where a sole proprietorship/salon and the owner/manager were tried for the same violation and they are the same entity the Board directs that the sanction be pursued against the owner/manager only. Janice Curtis seconded the motion which carried unanimously.

Cases for Dismissal pursuant to Pham v. SCDLLR – Andrew Rogers

There are several cases in ODC that are similar to the Pham case where the salon is a sole proprietorship and the owner/manager is the same person. With the motion that was made pursuant for the dismissal in light of the State v. Pham case it is recommended that the pending cases have the same ruling.

MOTION:

Janice Curtis made a motion to accept ODC's recommendation for dismissal in light of State v. Pham situation. Eddie Jones seconded the motion which carried unanimously.

Inspection Report – Robbie Boland:

Before the Board is the inspection report, as of April 2015 there were 3,372 salons inspected and 42 schools. As of March 2015 there were 432 salons inspected and 12 schools. As of April 2015 there were 336 salons inspected and 7 schools. There were a total of 6,072 opened salons.

Citation Report – Robbie Boland:

The citation report is from December 2014 through March 2015. The month of December 2014, 6 citations written, the month of January 2015, 4 citations written, the month of February 2015, 6 citations written, the month of March 2015 a total of 15 citations written. Within these citations 25 were written for unlicensed practice and 7 were written due to sanitation violations.

NIC Annual Conference Notification

The NIC annual conference will be held August 29 through August 31, 2015 in Missoula, Montana. The Board needed to decide which Board members would be in attendance. Ms. Thompson explained she thought it would be beneficial and important for Ms. Richardson to be in attendance.

MOTION:

Cindy Rodgers made the motion to approve Theresa Richardson, Board Administrator; Janice Curtis, Patricia Walters, and Eddie Jones Board members to attend the NIC Annual Conference. Selena Brown seconded the motion which carried unanimously.

Delegated Authority

Ms. Richardson asked that staff be granted authority for administrative approvals instead of bringing certain situations before the board such as criminal background checks without felonies and continuing education changes. Ms. Thompson expressed that the criminal background checks can be approved administratively for the violations that are older than 10 years. A criminal background check that does not show identify theft, fraud, financial transactions, felonies or anything of a violent nature, and less than 10 years, cases that fall in those categories

should come before the Board. For continuing education Ms. Thompson explained the following changes could be approved administratively: cancellation of a class, date change, location change, adding a licensed South Carolina instructor as long as the provider has submitted the request 45-days prior to the class. If the provider is requesting content changes such as: lesson plans or an out-of-state guest speaker, these would need to come before the board for review. Ms. Thompson also explained once an administrative approval is made it would need to be presented to the board for approval.

MOTION:

Janice Curtis made a motion to grant delegated authority to administrative staff for approval of non-violent cases on a criminal background check and the continuing education requests. Patricia Walters and Selena Brown seconded the motion which carried unanimously.

Administrator Approvals

Ms. Richardson explained that within the board materials there are some continuing education requests that were approved administratively.

MOTION:

Eddie Jones made a motion to ratify the approvals made administratively. Janice Curtis seconded the motion which carried unanimously.

Election of Board Officers

Melanie Thompson was nominated as the Board's Chairperson. Janice Curtis was nominated as Board's Vice Chairperson.

MOTION:

Cindy Rodgers made a motion that Melanie Thompson remain as Board Chair. Eddie Jones seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion that Janice Curtis service as the Vice Chair. Stephanie Nye seconded the motion which carried unanimously.

OLD BUSINESS

Review and Discussion for Consideration of Continuing Education

GATE

David Slaick appeared before the Board as the GATE representative. The discussion included but was not limited to the GATE Association's 2015 continuing education submission. The GATE Association submitted the 2015 continuing education packet during the required timeframe. Questions pertaining to the ownership of the association came up during the continuing education review. In December 2014 additional information pertaining to the GATE Association was submitted to explain the ownership. Mr. Slaick decided to withdraw the 2015 continuing education submission. Ms. Thompson explained a continuing education renewal application has been created and sent to all of the continuing education providers. The renewals

will be reviewed by the Board at the July board meeting. The renewals will determine if the providers will be approved or rejected as a continuing education provider for 2016.

NEW BUSINESS

Review of Home School Associations

Homeward Education Association

Rachel Ward appeared before the Board as Homeward Education Association's representative regarding all home school associations within the State of South Carolina. The discussion included but was not limited to high school education granted by the home school associations. Ms. Thompson expressed previously the board made a determination that if the University of South Carolina, Clemson University and/ or a higher education institution accepts home school credentials for admittance the board would also accept them. Ms. Ward explained higher education facilities accept home school education but some South Carolina cosmetology schools have denied students entrance due to being home schooled. Ms. Ward explained the different sections of the law reflecting home schooling. South Carolina Code Annotated §59-65-40 is option one which allows the parents to home school their children under the auspices of a school district, if approved by the board of trustees. South Carolina Code Annotated §59-65-45 is option two, parents may home school their children with the support of the South Carolina Association of Independent Home Schools. South Carolina Code Annotated §59-65-47 is option three, parents may choose a home school association which has no fewer than fifty members and meets the home school requirements. These three different avenues allow for different approaches to home schooling. The school district will not provide transcripts but the parents or the associations generate a transcript. The three mentioned options are all accepted by higher education facilities.

MOTION:

Cindy Rodgers made a motion for a break. Selena Brown seconded the motion which carried unanimously.

Ms. Thompson called the meeting back to order.

Review for Consideration of Methods of Teaching

Sandra Hutchinson-Blue

Sandra Hutchinson-Blue was unable to attend the Board meeting due to death in her family and she requested to be re-scheduled.

MOTION:

Janice Curtis made a motion to defer Sandra Hutchinson-Blue to the July Board meeting. Eddie Jones seconded the motion which carried unanimously.

Darlene McCrea

Darlene McCrea appeared before the Board seeking approval to become a method of teaching instructor. The discussion included but was not limited to explanation of Ms. McCrea's expertise

in teaching others how to teach. Ms. McCrea explained while she does not have a master's degree in education she has the capability to teach others how to teach.

MOTION:

Janice Curtis made a motion to deny Darlene McCrea as a method of teaching instructor based on the absences of a master's degree in education and there was no evidence of proof of having expertise in teaching others how to teach. Cindy Rodgers seconded the motion which carried unanimously.

Review for Consideration of a Mobile Salon

Lasonya Webb

Lasonya Webb appeared before the Board seeking approval for a mobile salon. The discussion included but was not limited to allowing mobile salons in South Carolina. Ms. Webb explained she knows mobile salons have not been allowed in South Carolina but she is appearing with the hopes of changing the board's stance on mobile salons. Ms. Webb stated she has come up with a plan to regulate mobile salons. It is understood that there may be concerns of safety and sanitation issues with mobile units. Ms. Thompson explained this Board is upheld by the South Carolina Code of Statutes §40-13-300 and it is specified that mobile salons are prohibited. It was explained to Ms. Webb that she should probably take her proposal to her legislator for assistance with her regulation plans.

MOTION:

Janice Curtis made a motion to deny mobile salons in South Carolina in accordance with the South Carolina Code of Statutes §40-13-300. Eddie Jones and Cindy Rodgers seconded the motion which carried unanimously.

Review for Consideration of Minor Modification of the Delivery of Course Content

Virginia College

Louwana Ball appeared before the Board seeking approval to make minor modifications of the course content delivery. The discussion included but was not limited to the content delivery. Ms. Ball explained the curriculum will remain the same. The cosmetology program at Virginia College will be set up in 12 modules and broken down into 125 hours each. Currently five of those modules are beginner and advanced contents are combined. Within the minor modification, Virginia College is interested in separating the advanced content from the beginner content.

MOTION:

Janice Curtis made a motion to defer Virginia College request until the July's meeting to allow the Board to review the clarified/updated information Ms. Ball presented to the board. Cindy Rodgers seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion for a break. Stephanie Nye seconded the motion which carried unanimously.

Ms. Thompson called the meeting back to order and requested a minor deviation. Ms. Thompson recognized Ronnie Blackmon's retirement. Ronnie Blackmon had been a cosmetology board inspector for a very long time. Ronnie's years of service were greatly appreciated and he would be missed.

Another deviation was requested to move Vontae's up on the agenda.

Review for Consideration of Continuing Education Changes/Additions

Vontae's

Kevin Curry appeared before the Board as a representative for Vontae's. The discussion included but was not limited to changes and additions to the program. Vontae's is requesting cancellation of the November 22, 2015 cosmetology class and the addition of two out-of-state guest speakers from Charlotte, North Carolina. There were questions about the particular subjects the guest speakers would discuss.

MOTION:

Cindy Rodgers made a motion to approve the November 22, 2015 class cancelation. Selena Brown seconded the motion which carried unanimously.

MOTION:

Janice Curtis made a motion to defer the motion of the two out-of-state guest speakers until the July's board meeting to give Vontae's an opportunity to provide what the guest speakers would be presenting. Eddie Jones seconded the motion which carried unanimously.

ACE/Kenneth Shuler

Review for Consideration of Disciplinary Class Provider

Steven Dawson appeared before the Board as a representative of ACE seeking approval to offer disciplinary classes. The discussion included but was not limited to disciplinary classes. Mr. Dawson explained he will teach the law portion and Marilyn Montgomery who is a licensed instructor will teach the sanitation portion.

MOTION:

Selena Brown made a motion to approve ACE to offer disciplinary classes. Eddie Jones seconded the motion which carried unanimously.

New Instructor – Johnnie Colter

Steven Dawson appeared before the Board as a representative of ACE seeking approval to add a new instructor to their continuing education program. The discussion included but was not limited to Johnnie Colter being added as an instructor to ACE association.

MOTION:

Eddie Jones made a motion to approve Johnnie Colter to be added to the list of ACE continuing education instructors. Patricia Walters seconded the motion which carried unanimously.

Addition of Esthetics Program (Florence location)

Steven Dawson appeared before the Board as a representative of the Kenneth Shuler School seeking approval of adding an Esthetics program. The discussion included but was not limited to the Florence campus adding an Esthetics program to the Board approved school.

MOTION:

Cindy Rodgers made a motion to approve the Esthetic program at the Florence campus pending the submission of the corrected surety bond. Eddie Jones seconded the motion which carried unanimously.

Review for Consideration of Continuing Education Changes/Additions

Nails, Skin & Hair of America

Chesley Phillips requested to withdraw her request to add a trade show and an additional instructor to the association.

CE Training Course

Jayson Lacy appeared before the Board as a representative of CE Training Course. The discussion included but was not limited to adding esthetics content to the online continuing education course. CE Training Course has partnered with Southeastern Esthetics. The esthetics content is from the in-person course from Southeastern Esthetics. Janice Curtis was concerned with the teaching of layered chemical peels online. Mr. Lacy was not sure of the types of chemicals being used for the layered peels. Mr. Lacy explained the layered chemical peels are what Southeastern Esthetics have already been approved to teach.

MOTION:

Janice Curtis made a motion to defer to Tuesday, May 19, 2015 to allow Courtney Freeman's appearance and to answer questions pertaining to the layered chemical peel online contents. Selena Brown seconded the motion which carried unanimously.

Discussion:

Cindy Rodgers expressed that the continuing education providers need to be proud of their classes and the facilities in which they are holding the classes. Some continuing education classes Ms. Rodgers monitored were in facilities that were not well kept or cleaned. Providers have not been prepared when the licensees arrived and the agendas were not posted or provided. Providers need to remember that sanitation is a part of the continuing education curriculum. Video recordings of all classes have been required of the board as protection of the providers as well as the class participants.

Public Comments:

Steven Dawson discussed with the Board information regarding gainful employment 2.0. Schools that are receiving Title IV funding may no longer receive funding as of 2017; if licensees do not account for their tips and report them to the Social Security Administration on their W2s.

Assist Deputy Director, Dean Griggs and Christa Bell, OIE explained the role of the Compliant Analyst. There is a Compliant Analyst for business related professions and another for medical professions. The Compliant Analysts are those who have been through law school but choose not to practice law for one reason or another. The Compliant Analyst screens the complaints and compares them to the laws to ensure the complaints are effectively handled and directed to the correct inspector or investigator. Complaints without violations are titled DO NOT OPEN. The analyst also indicates which complaints have violations and those that have no violations.

Adjournment: 4:09 pm

MOTION:

Cindy Rodgers made a motion to adjourn. Eddie Jones seconded the motion which carried unanimously.