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MINUTES
South Carolina Board of Cosmetology
Telephone Conference Meeting
11:30 p.m., December 7, 2011
Synergy Business Park
Kingstree Building, Conference Room 202-03
110 Centerview Drive, Columbia, SC 29210

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These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website – www.llr.state.sc.us/pol/

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Meeting Called to Order

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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. The Pledge of Allegiance was recited by all present. The rules of the meeting were read by the Chairperson.

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Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Introduction of Board Members and All Other Persons Attending

Rosanne H. Kinley, Chairperson, of Anderson, called the conference call meeting of the Board of Cosmetology to order. Other Board members present on the conference call were: Melanie C. Thompson, Vice Chairperson, of Myrtle Beach; Cynthia T. Rodgers of Lancaster; Selena M. Brown of Columbia; and Katherine T. Webb, of Easley

Excused absences:

Delores J. Gilmer of Charleston was excused from the conference call meeting by the Chairperson.

Staff Members Participating in the Meeting

Dean Grigg, Advice Counsel; Melina Mann, General Counsel; Byron Ray, Administrator; Roz Bailey-Glover, Malinda Pressley, Shirley Wider, Administrative Staff; and Laura DeCillis, Court Reporter.

All Other Persons Attending:

Chesley Phillips, Angie Shuler, Steve Dawson, Janice Curtis.

Approval of Agenda

MOTION:

Ms. Thompson made a motion to approve the agenda with deviations. Ms. Webb seconded the motion, which was carried unanimously.

51 **Chairman’s Remarks – Rosanne Kinley: There were none.**

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53 **Administrator’s Remarks, for Information – Byron Ray: There were none.**

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55 **Unfinished Business**

56 **Determination of Licensure for Maxine Heather Schulte**

57 Ms. Schulte was on the telephone conference call to provide testimony. Mr. Grigg stated that the Board
58 initially voted to deny her application since there was not enough information provided and Ms. Schulte
59 was not present to answer questions since the Board did not ask her to appear. After the determination,
60 additional information was received by staff and no final order of denial was sent out. Mr. Grigg
61 informed the Board that they could make a new motion, however the issue is not final until an order is
62 submitted. The Board reopened the case for discussion.

63

64 **MOTION:**

65 Ms. Webb made a motion to approve Ms. Schulte for 140 hours and allow her to sit for the
66 examinations. Ms. Rodgers seconded the motion, which was carried unanimously.

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68 **Old Business: There was none.**

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70 **New Business**

71 **Discussion on Fingerprint and Citation issue and Approval of Changes to Proposed Regulations**

72 Mr. Grigg sent the Board a copy of the citation section, 35-6 and a copy of the fingerprint section 35-5.
73 The problem with 35-5 was what had been proposed in the previous version of the regulations regarding
74 testing being done in the English language. The citation part 35-6 was cut and pasted in its entirety and
75 has already be sent out for review. The citation part 35-6 is being submitted separately from 35-5. A
76 discussion ensued regarding 35-5. The Board members continued to express concerns about removing
77 the “English” language requirement from the regulation changes. The Board also expressed concerns
78 about the citation language on 35-6(B) regarding the \$2,500 per day, and wanted to know where the
79 language came from.

80

81 Mr. Grigg stated that he discussed the changes with the Board, and that he would check to see if any
82 additional changes can be made at the final draft stage. Mr. Grigg also explained that the language for the
83 citation changes came from the citation authority language used by the Residential Builders Commission.
84 Once the public comment stage is complete the Board may be able to make changes at the final draft
85 stage. Chairperson Kinley stated that the Board was vehemently opposed to a limit to the amount of
86 money (\$2,500) being charged to a salon operating without a license. Mr. Grigg stated that the
87 determination to remove the \$2,500 was the Board’s decision. Ms. Mann let the Board know that if they
88 removed the amount limit that the Engine Bill still states, not to exceed \$500 unless stipulated by statute.
89 A discussion ensued. Board member Ms. Thompson expressed that there are unanswered questions that
90 need to be answered before she can make a decision on the entire process of making these quick
91 regulation changes. She wanted to know where the changes were coming from, LLR, the LCI Committee
92 or a Senator. Ms. Thompson did not receive an answer, so she remains skeptical. Chairperson Ms. Kinley
93 stated that the Board is resubmitting the regulations, but if none of the changes pass, the Board remains
94 where it is with the current regulations, which does not include the English language requirement. Further
95 discussion ensued. If 42-18 is struck down then the Board would be without the fingerprints. Mr. Grigg
96 let the Board know that the parallel tracks won’t affect the regulation changes already submitted. Ms.
97 Thompson stated that some of the schools are in the audience and wanted to hear their comments.

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99 **MOTION:**

100 Ms. Thompson made a motion to move to public session. Ms. Rodgers seconded the motion,
101 which was carried unanimously.

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Public Comments

Mr. Steven Dawson from the Kenneth Shuler Schools stated that he was one hundred percent in favor of the fingerprint regulations for the salons, and that the \$2,500 citation maximum did not make sense. Ms. Angie Shuler, Mr. Steven Dawson, and Ms. Chesley Phillips made comments in favor of the parallel tracks.

Ms. Mann clarified that other Boards did not include the English requirement. Mr. Grigg stated that the notice of drafting would have to be out by 12/8/2011 so the Board was running out of time. He further stated that the Board stands a better chance of getting the Bio-Metrics fingerprinting passed if the English language requirement was removed. Ms. Shuler stated that the public attendees were in favor of the fingerprinting if the English language was removed.

MOTION:

Ms. Rodgers made a motion to approve a parallel bill of section 35-6 with the \$2,500 cap removed from the regulation, and substitute a \$500 per occurrence. Ms. Brown seconded the motion, which was carried unanimously.

Ms. Kathy Webb had to leave the conference call meeting prior to the vote.

MOTION:

Ms. Rodgers made a motion to approve a parallel bill of section 35-5 with the Bio-Metrics fingerprinting, but without the English language requirement for testing. Ms. Brown seconded the motion, which was carried unanimously.

Mr. Grigg let the Board know that he will get back with the regarding whether or not they will be able to make any changes to the final draft.

Executive Session: There was none.

Adjournment

MOTION:

Ms. Brown made a motion to adjourn the meeting. Ms. Rodgers seconded the motion, which was unanimous.

The next meeting of the S.C. Board of Cosmetology is scheduled for January 9, 2012.