

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND
REGULATION

BEFORE THE SOUTH CAROLINA COSMETOLOGY BOARD

MAY 14, 2012

BOARD MEMBERS:

MELANIE THOMPSON, CHAIRMAN

KATHERINE WEBB

CYNTHIA RODGERS

JANICE CURTIS

SELENA BROWN

STEPHANIE NYE

SARA MCCARTHA, ESQUIRE

This meeting held at the South Carolina Department of Labor, Licensing and Regulation, The Kingstree Building, 110 Centerview Drive, Columbia, South Carolina, reported by Cecelia P. Englert, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said meeting being held on the 14th day of May, 2012, scheduled for 10:00 a.m. and commencing at 10:04 a.m.

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EXHIBITS

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11 None proffered.

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22 Court Reporter's note:

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24 -- indicates interruption; incomplete phrases; trailing

25 off; unfinished sentences

1 MS. THOMPSON: I'd like to call the
2 meeting to order. Public notice of this meeting
3 was properly posted at the South Carolina Board of
4 Cosmetology Office, Synergy Business Park,
5 Kingstree Building and provided to all requesting
6 persons, organizations and news media in compliance
7 with Section 30-4-80 of the South Carolina Freedom
8 of Information Act.

9 If we could please stand for the Pledge of
10 Allegiance.

11 (Pledge of Allegiance is recited.)

12 Rules of the meeting: No outbursts or
13 disruptions will be allowed from anyone during the
14 course of the session. Members of the public
15 audience shall speak no more than twice on the same
16 subject and no more than three minutes each time.
17 The board will entertain business from the public
18 presented 14 days prior to the meeting for
19 additions to the agenda. If a person or persons
20 are disruptive or habitually speak out of order,
21 they will be asked to leave the room and may be
22 allowed to return at the appropriate time allotted
23 on the agenda.

24 Introduction of board members and all other
25 persons. We'll start in the back left corner with

1 Chesley, please. And if you would, speak loud and
2 very clear.

3 MS. PHILLIPS: How loud do you want
4 me to speak? because I can speak loud. Chesley
5 Phillips, Nail, Skin and Hair of America.

6 MS. LARGE: Colleen Large, S.C.
7 Aesthetics Association.

8 MR. DUNCAN: Antionio Duncan.

9 MS. TEAL: Rebecca Teal.

10 MR. HORTON: Chet Horton.

11 MR. PAXTON: Richard Paxton,
12 Palmetto Academy of Cosmetology.

13 MS. PAXTON: Shari Paxton, Palmetto
14 Academy.

15 MS. SASAK: Nancy Sasak, Virginia
16 College.

17 MR. LITTLE: Mike Little, Virginia
18 College, Florence.

19 MR. RIVERS: Antonio Rivers.

20 MS. RIVERS: Latonya Rivers. I've
21 got a broken ankle.

22 MS. THOMPSON: That's fine. Thank
23 you.

24 MS. SMITH: Gloria Smith, South
25 Carolina Association of Cosmetology Schools.

1 MS. MORRISON: Angela Morrison,
2 Aiken School of Cosmetology and South Carolina
3 Association of Cosmetology School.

4 MR. DAWSON: Steven Dawson, Kenneth
5 Shuler School of Cosmetology and Association of
6 Cosmetology Excellence.

7 MS. STEVENS: Tammie Stevens,
8 Kenneth Shuler School of Cosmetology and staff.

9 MS. TAYLOR: Matteah Taylor, staff.

10 MS. WIDER: Shirley Wider, staff.

11 MR. RAY: Byron Ray, staff.

12 MR. BOLAND: Robbie Boland, LLR
13 Office of Investigations.

14 MR. ROGERS: Andrew Rodgers, Office
15 of General Counsel.

16 MR. ANDREWS: DeLeon Andrews,
17 investigator.

18 MS. BAILEY-GLOVER: Roz Bailey-
19 Glover, staff.

20 MS. CURTIS: Janice Curtis, board
21 member.

22 MS. RODGERS: Cindy Rodgers, board
23 member.

24 MS. MCCARTHA: Sara McCartha, advice
25 counsel.

1 MS. THOMPSON: Melanie Thompson,
2 board member.

3 MS. WEBB: Kathy Webb, board member.

4 MS. BROWN: Selena Brown, board
5 member.

6 MS. NYE: Stephanie Nye, board
7 member.

8 MS. ENGLERT: Ciel Englert, court
9 reporter. And everybody in the audience, if you
10 make sure that you wrote your name down legibly so
11 I can get the spelling, I sure would appreciate it.

12 MS. THOMPSON: Okay. Approval of
13 excused absences. We do not have anyone absent
14 today.

15 MR. RAY: Excuse me. We had some
16 people outside.

17 MS. THOMPSON: Okay.

18 MS. POOLE: Mattie Poole.

19 MR. FISHER: Karl Fisher.

20 MS. LLOYD: Jessica Lloyd.

21 MS. THOMPSON: Thank you. Next,
22 approval of the minutes for the following. And
23 what I'd like to do is I'd like to take these
24 individually by date instead of trying to do them
25 just in bulk, so we'll start with the very first

1 one. This goes back to minutes from the January
2 meeting, because at our March meeting we did not
3 have enough board members present during our March
4 meeting who actually had attended the January
5 meeting, to be able to have the approval for those.
6 So we'll start with January 9th, 2012 board meeting
7 minutes.

8 MS. WEBB: Madam Chair, I make a
9 motion to approve the board meeting minutes for
10 January the 9th.

11 MS. RODGERS: Second.

12 MS. THOMPSON: I have a motion and a
13 second. Any discussion? I actually have a
14 correction. It's on the second page; it's Line 54.
15 I think it's just a typo. It should say "Ms.
16 Rodgers was excused for her "absence" instead of
17 "absent."

18 Are there any other issues with the January
19 9th meeting minutes?

20 (NO RESPONSE.)

21 MS. THOMPSON: Okay. Any other
22 discussion?

23 (NO RESPONSE.)

24 MS. THOMPSON: I have a motion and a
25 second. All in favor, signify by saying aye.

1 BOARD MEMBERS: Aye.

2 MS. THOMPSON: Opposed? Motion
3 carries. January 10th. I had some issues on the
4 first page, Line 47. I think because we've had so
5 many of these, January 10th was the second day of
6 our in-person board meeting. And Line 47 says "Ms.
7 Webb did not call into the meeting."

8 MS. WEBB: "Did call into."

9 MS. THOMPSON: Or "did call into the
10 meeting." And that happened on one of the
11 conference calls, but it did not actually happen
12 this day. She had come to the meeting, but then
13 had to leave before we ever got started because we
14 were late. So we need to change that, Line 47/Line
15 48.

16 Are there any other issues or questions with
17 January 10th? Anyone? I'll entertain a motion.

18 MS. WEBB: Madam Chair, I make a
19 motion to approve the board meeting minutes for
20 January the 10th.

21 MS. BROWN: With the changes.

22 MS. WEBB: Yes. Thank you. With
23 the changes.

24 MS. BROWN: I second the motion.

25 MS. THOMPSON: I have a motion and a

1 second to approve January 10th minutes, pending
2 those corrections. Any further discussion?

3 (NO RESPONSE.)

4 MS. THOMPSON: Hearing none, all in
5 favor, signify by saying aye.

6 BOARD MEMBERS: Aye.

7 MS. THOMPSON: Opposed? Motion
8 carries. January 20th? Line 113/114, I think this
9 is just a typo. It says "Each education
10 association and have them to information the
11 board." I think that should just be "inform." And
12 then Line 117, "Mr. Rogers stated that based on his
13 observation classes, not being." I think the word
14 "are" needs to be inserted there. Any other
15 corrections or notation?

16 (NO RESPONSE.)

17 MS. THOMPSON: I'll entertain a
18 motion.

19 MS. BROWN: I'd like to make a
20 motion to approve these changes -- with the, you
21 know, with the changes.

22 MS. THOMPSON: Okay. I have a
23 motion. Do I have a second?

24 MS. WEBB: Second.

25 MS. THOMPSON: Motion and a second.

1 Any further discussion?

2 (NO RESPONSE.)

3 MS. THOMPSON: Hearing none, all in
4 favor, signify by saying aye.

5 BOARD MEMBERS: Aye.

6 MS. THOMPSON: Opposed? Motion
7 carries. February 1st. Line 41, it says "Colleen
8 Phillips." That should be "Colleen Large."

9 MS. GLOVER: Wait. Which one?

10 MS. THOMPSON: Line 41. "All other
11 persons attending, it should say "Colleen Large."
12 They are usually together, but they do have
13 separate names.

14 MS. NYE: And Line 66 --

15 MS. THOMPSON: Yes.

16 MS. NYE: -- "the board's handling
17 of citations had changed." So had changed."

18 MS. THOMPSON: Any other notations?
19 I'll entertain a motion.

20 MS. NYE: Motion to accept these
21 minutes with the changes.

22 MS. THOMPSON: Motion. Do I have a
23 second?

24 MS. WEBB: Second.

25 MS. THOMPSON: A motion and a

1 second. Any further discussion?

2 (NO RESPONSE.)

3 MS. THOMPSON: Hearing none, all in
4 favor, signify by saying aye.

5 BOARD MEMBERS: Aye.

6 MS. THOMPSON: Opposed? Motion
7 carries. March 12th. Had lots on this one.
8 Starting with Line 53. Again, and unless I'm
9 mistaken, this was the actual in-person meeting.
10 It was not a call. And so Line 53 says that Ms.
11 Webb was originally on the call. And then Line 54
12 says that the board did not excuse Ms. Webb's
13 absence.

14 Line 68, it says that "Ms. Thompson
15 participated in a board conference call as well as
16 February 3rd through the 5th." February 3rd
17 through the 5th was the actual region meeting.

18 And then Line 79, that should be Steven Dawson
19 and Scott Bills. Line 268 should say "applicant"
20 instead of "application." You know it's a long
21 meeting when you get to almost Line 700. Those are
22 the only notes I had. Anyone else have anything?

23 MS. CURTIS: Line 98, needs to be
24 corrected. "The board recognized Mr. DeLeon
25 Andrews who read the investigative report stating

1 there are 44 open case."

2 MS. THOMPSON: Case.

3 MS. CURTIS: That should be "cases."

4 MS. THOMPSON: Thank you.

5 MS. CURTIS: 116, "showing after
6 treatment, Ms. Perry was still arrested." And then
7 it goes on to say "Mr. Perry stated that she
8 realizes that she --"

9 MS. THOMPSON: Okay. Thank you.
10 That was on 116.

11 MS. CURTIS: Yes.

12 MS. WEBB: 116, okay.

13 MS. CURTIS: Line 144, should that
14 be "June 2012" instead of "June 2011"?

15 MS. THOMPSON: Yes, ma'am.

16 MS. CURTIS: Line 239, "Ms. Nguyen
17 stated that she lived Georgia." "Lived in
18 Georgia." And then Line 476, says "And member,"
19 and it should be "a member." Line 526, "was
20 incomplete and not signed why." That should be
21 "by." Line 588, "Mr. Street stated that he met the
22 qualifications in Georgia." That's all I have.

23 MS. THOMPSON: All right. Anyone
24 else? I'll entertain a motion.

25 MS. RODGERS: Make a motion to

1 approve the necessary changes.

2 MS. THOMPSON: Have a motion. Do I
3 have a second?

4 MS. BROWN: Second.

5 MS. THOMPSON: Motion and a second.
6 Any further discussion?

7 (NO RESPONSE.)

8 MS. THOMPSON: Hearing none, all in
9 favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 MS. THOMPSON: Opposed? Motion
12 carries. March 13th. Anyone have anything?

13 MS. CURTIS: Like to make a motion
14 to approve.

15 MS. WEBB: Second.

16 MS. THOMPSON: Motion and a second.
17 Any further discussion?

18 (NO RESPONSE.)

19 MS. THOMPSON: Hearing none, all in
20 favor, signify by saying aye.

21 BOARD MEMBERS: Aye.

22 MS. THOMPSON: Opposed? Motion
23 carries. Last one, March 23rd. I have on Line 51,
24 it said "Michelle Furtick from the 3M
25 Subcommittee." Ms. Furtick is a member of the

1 industry, but she's not a member of the 3M
2 Subcommittee. Anything else?

3 MS. CURTIS: Line 29, I attended
4 this telephone conference in person and it
5 references that "Christa Bell, Lynn Rogers, LLR
6 Office of the GOC was there, along with Sheridan
7 Spoon." Neither of those people were present.

8 MS. THOMPSON: Okay. Was there some
9 point in the process that maybe Ms. Curtis wasn't
10 there and those people were, is why they were
11 included?

12 MS. MCCARTHA: Nope. They were not
13 there at all, to my recollection.

14 MS. THOMPSON: Okay. Then we need
15 to remove those names from the record. Anything
16 else?

17 MS. CURTIS: I make a motion to
18 approve with the appropriate corrections.

19 MS. THOMPSON: Okay. I have a
20 motion. Do I have a second?

21 MS. NYE: Second.

22 MS. THOMPSON: Have a motion and a
23 second. Any further discussion?

24 (NO RESPONSE.)

25 MS. THOMPSON: Hearing none, all in

1 favor, signify by saying aye.

2 BOARD MEMBERS: Aye.

3 MS. THOMPSON: Opposed? Motion
4 carries. I'll entertain a motion for the agenda.

5 MS. WEBB: Make a motion to approve
6 the agenda with any deviations deemed necessary.

7 MS. BROWN: I second that motion.

8 MS. THOMPSON: I have a motion and a
9 second. Is there any further discussion?

10 (NO RESPONSE.)

11 MS. THOMPSON: Hearing none, all in
12 favor, signify by saying aye.

13 BOARD MEMBERS: Aye.

14 MS. THOMPSON: Opposed? Motion
15 carries. Chairman's remarks. First thing I'd like
16 to do is I'd like to ask Rosanne Kinley to step
17 forward. This says "Presented to Rosanne H.
18 Kinley, September 1999 - February 2012, in
19 appreciation for your many years of service to the
20 citizens of South Carolina and your commitment to
21 professionalism in the practice of cosmetology, for
22 your national, state and local leadership in
23 establishing professional principles to practice
24 cosmetology, for your time and counsel to the
25 Office of Board Services, South Carolina Department

1 of Labor, Licensing and Regulation and for being a
2 friend to your profession."

3 I'd like to take and present this to you
4 on behalf of the board, the industry and your
5 friends, and let you know that there's not a plaque
6 big enough to express our appreciation. We are
7 very, very, very proud. Kathy and I were there and
8 I think of the current board, we're the only two
9 members that were there when you became the first
10 esthetician to become the president of the national
11 organization, and that was amazing. You've made us
12 proud. Your hours of dedication and service,
13 volunteering are immeasurable.

14 We will not let you off the hook. You still
15 have to work. You just get to do it from the
16 public forum now. And we love you and appreciate
17 you.

18 (Round of applause.)

19 MS. PHILLIPS: We need y'all to turn
20 around please. Thank you very much. We love you,
21 Rosanne. You rock.

22 MS. KINLEY: I just wanted to say
23 that sometime in 1999 when I received a phone call
24 from a total stranger that was on the board, asking
25 me to come and serve on the board, it was like,

1 "Don't think so. Good-bye," click. And then he
2 called back and called back again and lied to me
3 and said there only one meeting every other month.
4 The lies go way, way back. But it was a decision
5 that changed my life, truly. I've got friends on
6 the board, in the office, outside of the office
7 that we've celebrated births, we've mourned deaths.
8 And, Selena, my heart goes out to you. We've
9 celebrated. We've cried, we've laughed and
10 screamed, slammed down the phone, said "Done,
11 resigned," and I still came back and will continue
12 to come back. I can lobby even harder now for
13 these regs that got slammed in the House, and I
14 learned a very valuable lesson that politics aren't
15 what they teach you in the civics class. So lesson
16 learned. Don't make that mistake twice. And I'll
17 be back without the muzzle on and will be able to
18 lobby for this industry that I love so much, that
19 has given so much to me. So thank y'all for
20 everything.

21 MS. WEBB: I have to say, the
22 first thing that I remember when I was appointed to
23 the board, I met Rosanne and Melanie. But they
24 welcomed me with open arms, and Rosanne -- they
25 helped guide me through so much. I've learned so

1 much from her. And the times that we've had, like
2 you just said, the negatives, the positives, all
3 the things that have gone on, you've left your
4 mark. And from here, it's open for you. But
5 you've left your mark with changes, just like with
6 the rest of the board altogether when we were doing
7 all these things. And when you leave here, it's
8 another -- it's another job. It's something else
9 that you will be involved in. But I just thank you
10 so much for all that you've done. I appreciate it.

11 MS. PHILLIPS: A big mark for
12 somebody with her 5-1/2 shoes.

13 AUDIENCE MEMBER: But she has the
14 right shoes.

15 MS. PHILLIPS: I've seen those
16 shoes.

17 MS. THOMPSON: Okay. Moving on.
18 I'd like to officially introduce and welcome Sara
19 McCartha. She is our new advice counsel. She's
20 prettier than Dean. Many of you were probably
21 wondering where Dean was, but she's a prettier
22 version Dean. I know all of you, I think, have
23 spoken with her on phone. I don't know if you've
24 actually seen her in person. This is Sara.

25 Second, I'd like to welcome and congratulate

1 Holly Pisarik. She is our new director of LLR and
2 she actually is here in attendance. Thank you.
3 It's been a long time since we've had the director
4 of the agency come into the meeting. So thank you
5 for caring enough about us to come down and let
6 everyone see your face. I think all of the board
7 members actually saw Holly as Holly Gillespie at
8 the new board member orientation back in October.

9 MS. PISARIK: Yes.

10 MS. THOMPSON: She is now married,
11 hence the name change. But --

12 MS. PISARIK: I've been married. I
13 just took my husband's name.

14 MS. THOMPSON: Oh, okay.

15 MS. PISARIK: I finally got around
16 to it. After promising for years that I would take
17 it, I finally did.

18 MS. THOMPSON: So we're happy that
19 you're here. And if you'd like to say anything,
20 please --

21 MS. PISARIK: I do. I just wanted
22 to stop by. I'm not going to take up much of your
23 time because I know the cosmetology board always
24 has a very full agenda. But I wanted to stop by
25 and introduce myself to those of you that I haven't

1 met yet -- I've met most of you -- and let you know
2 that I am excited to be the director. That I view
3 it as my job as working with the boards, providing
4 whatever assistance you-all need to get your
5 business done. I'm always available to come to
6 board meetings. If you need an explanation about
7 something the department's doing, or if there's
8 something that the board needs to get your job done
9 and you're not getting from us, I'm always
10 available to come to board meetings to hear you
11 out.

12 My office door is always open; I'm always
13 available to meet with you-all. I'm going to give
14 each of you one of my business cards, and I welcome
15 you to call on me at any time if there's anything
16 that I can do to help you get your job done.

17 MS. THOMPSON: Thank you.

18 MS. WEBB: First of all, from my
19 heart, and I'm sure from the rest of the board,
20 thank you so much for basically doing what you said
21 you would do when I met with you. You're here.

22 MS. THOMPSON: I know. That's a
23 first.

24 MS. WEBB: And that's why I want to,
25 exactly thank you.

1 MS. THOMPSON: And you give us your
2 card.

3 MS. WEBB: And that really is --

4 MS. THOMPSON: So she didn't
5 introduce and run. She introduced and she's going
6 to give us a card.

7 MS. WEBB: And actually, we're
8 meeting you. You know, everybody's getting to see
9 who you really are, and it's great.

10 MS. PISARIK: Well, and I'm
11 available to come back to any board meetings that
12 you-all need me to come to.

13 MS. THOMPSON: Well, and feel
14 free --

15 MS. PISARIK: And I mean that.

16 MS. THOMPSON: You're welcome
17 anytime. You know, whether we have a particular
18 issue or not, we would be honored that you would
19 attend as many as you would like. So we appreciate
20 that.

21 MS. PISARIK: Good. And the new
22 chief advice counsel is a little late because the
23 new chief advice counsel started this morning,
24 Darra Coleman. She'll be coming to one of your
25 board meetings too, to meet you. And she looks

1 forward to working with you. But she'll be down at
2 another meeting.

3 MS. THOMPSON: Great, great.

4 MS. RODGERS: Holly, you'll have to
5 enter at your own risk.

6 MS. THOMPSON: Next on my list is
7 actually congratulations to Dean Grigg. Dean has
8 moved on up. He is now deputy director. So
9 familiar faces, but moving around. And so
10 congratulations to Dean and thank you.

11 MS. PISARIK: Thank you.

12 MS. THOMPSON: Thank you so much.
13 We're still going to get to use and abuse Dean.
14 We're going to have to call on him some to help us
15 with the transition.

16 MS. MCCARTHA: He should come in
17 today.

18 MS. THOMPSON: Yeah. So when you
19 see him, offer congratulations because as I say
20 again, he is now deputy director.

21 Okay. March the 23rd, I participated in a
22 conference call for regulations. March the 28th, I
23 attended the 3M Subcommittee meeting. April the
24 26th and several times after that, without specific
25 dates, I've been working closely with Byron and

1 Doris in ironing out some of the policies and
2 procedures and helping to implement things that
3 will make all of our issues easier for staff and
4 everyone else involved.

5 Hats off to Byron and staff because this board
6 packet is detailed, it's organized. You guys have
7 done a great job. This packet looks phenomenal,
8 and I thank you, thank you, thank you. I know
9 everybody's worked very hard and it shows. And I
10 want you to know how much I appreciate it.

11 The first part of June, June 2nd, 3rd and 4th
12 is the school overview in examiner training for PCS
13 and the testing. I highly, highly, highly
14 encourage especially the new board members to try
15 and attend. Old board members as well -- I hate to
16 say old. Seasoned, experienced. Everyone should
17 attend if you can. It's a Saturday, Sunday,
18 Monday. It's here in Columbia. If you can't stay
19 for all day each day, try and come for as much as
20 you can. I'll give you the specifics later on, but
21 kind of jot it down in your calendar.

22 MS. GLOVER: Can we get those dates
23 again?

24 MS. THOMPSON: June 2nd, 3rd and
25 4th. The next thing that I would like -- I

1 received an email -- it was actually a link to a
2 newspaper article -- where there was a senior in
3 high school who had completed, almost completed --
4 she was within minimal hours completing her
5 vocational training in cosmetology. She was, from
6 what I understand, an honor student in the
7 cosmetology program as well as well as in her high
8 school program, she was killed her prom night in a
9 car wreck. I can't even begin to fathom the
10 devastation that her family feels.

11 But what I would like to do is I would like
12 LLR and the board to send a letter of proclamation
13 to her family. I know that we can't grant her
14 licensure. But I want to acknowledge her
15 accomplishments to her family and let them know
16 that we recognize her level of success and that,
17 you know, we appreciate her dedication and her hard
18 work to want to pursue this industry. And so I
19 just would like to go on the record asking that we
20 do that. And any board members that would like to
21 personally sign it, we can hold that if you'd like
22 to, you know, put your signature there. But I just
23 would request that we do that, please.

24 MS. WEBB: Excuse me. Where?

25 MS. THOMPSON: Did you say when

1 or where?

2 MS. WEBB: Where was it?

3 MS. THOMPSON: Donaldson Career
4 Center is where she attended. She went to Woodmont
5 High School. Her name was Ricky Page West. And I
6 think that concludes my report, unless I've
7 forgotten something. At that time, I'll say "Oh,
8 yeah, I forgot."

9 Moving on. Administrator's remarks.

10 MR. RAY: Good morning to everyone.
11 I want to get some direction from the board
12 members. Couple items we're going to have on the
13 agenda, some of the licensees that have the
14 probation SLED reports, in the future when we
15 discover those, they do have verbiage to give a
16 temporary administrative suspension. I want to
17 just get direction. Did you want us to do that?
18 Or --

19 MS. THOMPSON: I'm not sure I'm
20 understanding your question.

21 MR. RAY: If they don't turn in
22 the SLED reports or if the SLED reports do have
23 new violations on them, how did you want the staff
24 to --

25 MS. MCCARTHA: This is on

1 individuals that are on a probationary order that
2 requires them to submit SLED reports annually.

3 MS. THOMPSON: Okay. And is it two
4 part? Is it if they have an additional violation
5 on the SLED report? And then second part is if
6 they just don't submit the required --

7 MR. RAY: Yes.

8 MS. THOMPSON: -- I would have no
9 problem in that particular -- in those two
10 instances for administration to just go ahead and
11 make the decision to --

12 MR. RAY: To the temporary --

13 (Off-the-record interruption.)

14 MS. THOMPSON: So yes. The desire
15 of the board -- we'll need a motion, I'm assuming,
16 to approve that, if that's the board's desire.

17 MS. MCCARTHA: You can just state it
18 on the record.

19 MS. RODGERS: Are we talking about
20 when we ask for them to resubmit and then we put
21 them on a probation period?

22 MS. THOMPSON: Uh-huh. Yes. So any
23 board member have a question? concern? Any
24 discussion about this particular instance.

25 MS. CURTIS: And I would still like

1 a list of those, the names and everything.

2 MS. THOMPSON: Yes. Byron, if any
3 of those that you actually do that, you will
4 provide the board with a list at the next meeting
5 of what you had to do?

6 MR. RAY: Yes.

7 MS. THOMPSON: Okay. So just to be
8 clear, if we have sanctioned a licensee to be on
9 probation, at the end of that probationary time, or
10 whatever that probation is, at the end of the year,
11 they're supposed to submit a SLED report at their
12 expense. If (A) they don't submit that, then
13 administration will suspend the license and (B), if
14 they do submit it and there's an additional
15 violation, then Byron can also do that and he will
16 provide us with a list at the board meeting. But
17 let me just make sure that the same guidelines
18 would apply as far as I'm concerned. If it's
19 something, you know, DUI or something like that,
20 that doesn't really affect our industry and the
21 safety of the public --

22 MR. RAY: Things you have previously
23 given me administrator --

24 MS. THOMPSON: Yes.

25 MR. RAY: -- approval rights? Okay.

1 MS. THOMPSON: Yes.

2 MR. RAY: Understood.

3 MS. THOMPSON: Okay. Anything else?

4 MR. RAY: Scottie Simmons, he won't
5 be appearing, and I think you're aware of that one.

6 MS. THOMPSON: Yes.

7 MR. RAY: Might not have Ms.
8 Flores-Marcia. I couldn't get in touch with her
9 late Friday. Tried again Monday, so --

10 MS. THOMPSON: Okay. We'll see when
11 we get there. Is that it?

12 MR. RAY: That's it.

13 MS. WEBB: Madam Chair, will that be
14 put on the website?

15 MS. THOMPSON: Will what be put on
16 the website?

17 MS. WEBB: The license suspension --

18 MS. THOMPSON: The policy? The fact
19 that it --

20 MS. WEBB: The policy.

21 MS. THOMPSON: -- could happen?

22 MS. WEBB: Yes. Uh-huh.

23 MR. RAY: The order should be there.
24 They should there.

25 MS. MCCARTHA: Those should be

1 public and they do state -- and if I write them,
2 they will state that you are subject to a temporary
3 administrative suspension. One other detail,
4 actually, before we close that topic entirely,
5 would you want a letter of warning to go out before
6 an administrative suspension? Or do you want it
7 just to be --

8 MS. THOMPSON: I don't think so. I
9 mean, I think that it's their responsibility to
10 submit the report. They're told that. This is
11 their profession. If it meant a whole lot to them,
12 they would be in compliance.

13 MS. WEBB: Thank you.

14 MS. THOMPSON: Legislative update.
15 We are starting it again. We were not successful
16 in getting our regulations passed thus far. That
17 does not mean in any way whatsoever that we are
18 dropping them. It just means that we are
19 regrouping.

20 MS. MCCARTHA: Well, your bond
21 regulation did go through.

22 MS. THOMPSON: Yes.

23 MS. MCCARTHA: I think your citation
24 regulation is making it through. It's the other
25 two that are --

1 MS. THOMPSON: It's the big ones.
2 It's the ones that we in the industry worked on
3 forever. And it honestly was not for lack of -- I
4 know that I personally, as well as Dean, I know
5 that Sara has participated. But Dean and I
6 personally together went to some of the
7 representatives and basically begged what could we
8 do, and we just weren't successful. But that just
9 means we've taken a licking, but we're going to
10 keep on ticking because we're not going to let it
11 drop. It's too important to the industry. OIE
12 report.

13 MR. ANDREWS: Hello. How are you
14 today?

15 MS. THOMPSON: Hi. I'm wonderful.
16 How about you?

17 MR. ANDREWS: I'm doing very
18 well. We currently have 31 active cases and we've
19 closed 20.

20 MS. THOMPSON: Okay. OGC.

21 MR. ROGERS: Morning, ladies.
22 Andrew Rogers, Office of General Counsel. Before
23 the board meeting, I handed up the OGC report. I
24 would like to take a couple seconds here to briefly
25 go over that for you. Showing 23 open cases. It

1 should look like an Excel spreadsheet. I know
2 you've got a lot of paper up there.

3 We have 23 open cases in general counsel. We
4 have 18 pending action. That number is a little
5 inflated, actually. We've got a number of cases
6 that will be before you for a hearing next month; I
7 believe it's on the 18th. Those notices haven't
8 technically gone out yet. So they will be a
9 hearing, and that will change them from pending
10 action to pending hearings. That's why you look at
11 the "pending hearing" column, there are none there.
12 It's not because I don't have anything in the fire;
13 it's just because the notice hasn't officially gone
14 out.

15 We have three pending CAs that are out,
16 waiting on signature from the licensee. And then
17 we've closed 17 since January of 2011. We do have
18 two pending cases on appeal at the Administrative
19 Law Court. One of those is a licensing matter; one
20 was a disciplinary matter.

21 Then advice counsel actually has two cases on
22 appeal as well. Those are not included in the OGC
23 report because advice counsel technically is not
24 under general counsel. I just wanted to let you
25 ladies know that. If you have any questions, I'd

1 be happy answer any questions.

2 MS. THOMPSON: Questions?

3 (NO RESPONSE.)

4 MS. THOMPSON: All right.

5 Inspector's report.

6 MR. BOLAND: Good morning, Robbie

7 Boland. Good to see you.

8 MS. THOMPSON: Good morning.

9 MR. BOLAND: The April inspections,
10 there were 711 for the year-to-date physical year.
11 From July, we've completed 6,355.

12 (Off-the-record discussion.)

13 MS. MCCARTHA: How many open
14 complaints do we have, y'all, in cosmetology? Do
15 we know? I don't know which one of you has it.

16 MR. ANDREWS: Thirty-one.

17 MS. MCCARTHA: Thirty-one. Okay.

18 MS. THOMPSON: Thirty-one. Okay.

19 Anything else? No? Okay. Moving on, old
20 business. Approval of new school, Virginia
21 College. Okay. Virginia College came before us in
22 March. They had some issues with their contract
23 and a few other things, but there was plenty of
24 time to get those resolved prior to their proposed
25 opening date. So they resubmitted their contract,

1 as well as the student handbook and rules and
2 regulations that we had requested. That should
3 have been in all of your packets for everyone to
4 have been able to review. Did anyone have any
5 questions or concerns with the information you were
6 given?

7 MS. CURTIS: I would.

8 MS. THOMPSON: Okay. Hold on. If
9 we could have the representative from Virginia
10 College please step forward. And if you would,
11 please, again, tell us your name.

12 MR. LITTLE: Yeah, I'm Mike Little.

13 MS. THOMPSON: Mike Little?

14 MR. LITTLE: And then we also have
15 Nancy Sasak who's our specialist in cosmetology.

16 MS. THOMPSON: And would you spell
17 your last name, Ms. Sasak?

18 MS. SASAK: S-A-S-A-K.

19 MS. THOMPSON: Thank you.

20 MS. CURTIS: Section 16, it's under
21 "integration." It states, "This contract" -- and
22 in parenthesis, "along with the catalog and the
23 addendum, such as in effect from time to time." So
24 is that a changing document? And how often is it
25 changed as far as the catalog and addendum is

1 concerned?

2 MR. LITTLE: Really, we never
3 change it unless if -- if the board here wanted us
4 to change something as far as the contract's
5 concerned. As far as our campus catalog and any
6 addendums, it only changes if we would change any
7 courses maybe unrelated to cosmetology, but other
8 things that are in the catalog, if we would add
9 something. Typically, we wouldn't change it, if
10 that's what you're asking.

11 MS. CURTIS: That is my question.

12 MR. LITTLE: And then we update in
13 the back, the administration.

14 MS. CURTIS: Okay. So does your
15 catalog, does it change yearly? Is that what
16 you're looking at doing as far as this addendum?
17 Or is it just on an as-needed basis?

18 MR. LITTLE: As needed. Usually
19 we'll have a catalog once a year. We'll do the
20 full reprint, and then we date it accordingly. And
21 then we will enter the addendums as necessary.

22 MS. CURTIS: Okay. Did we review
23 any of that? Or once we approve --

24 MS. THOMPSON: Anytime there's a
25 change to their contract, any school's contract --

1 MS. CURTIS: Okay.

2 MS. THOMPSON: -- those changes have
3 to be approved by the board.

4 MS. CURTIS: Would an addendum be
5 one of those things that would be considered a
6 change, though?

7 MS. THOMPSON: In my opinion, yes.
8 But what I have found in situations like Virginia
9 College, this is a operating college that has taken
10 on a cosmetology program. And so their universal
11 rules, regulations, contracts, those things, had to
12 be tweaked certain ways specifically for us. Those
13 areas have been corrected, but still, it's
14 basically their universal information. So even
15 though it might reference an addendum, that's for
16 college overall, not necessarily cosmetology.

17 MR. LITTLE: Correct.

18 MS. THOMPSON: But you are aware
19 that any change you make to your cosmetology
20 program that affects your students in any way
21 whatsoever has to be approved by the board first.

22 MR. LITTLE: Absolutely.

23 MS. CURTIS: I'll say Section
24 20 goes on to say "The use of likeness voice and
25 name." Is this a standard portion as well, to

1 where they can actually use --

2 MS. THOMPSON: I apologize. I don't
3 know where you were. I have to get there again.

4 MS. CURTIS: Sorry.

5 MS. THOMPSON: Twenty. I'm sorry.
6 There you go. I'm with you now.

7 MS. CURTIS: Yes. Okay. Under "Use
8 of likeness voice and name," is this standard
9 contract contents, as well, as far as use of --

10 MS. THOMPSON: I have seen this,
11 again, in these type college situations. And I can
12 tell you that with my children in public school,
13 they sent home basically a little waiver like this
14 when they were doing a science project. But now,
15 that doesn't mean that if you have a question or
16 concern about any particular part of it, please
17 feel free to address that.

18 MS. CURTIS: Well, my only concern
19 is that someone's giving up -- in order to enroll
20 in you're school, they're giving up something as
21 far as their likeness, their voice or whatever, and
22 that was my only concern.

23 MS. THOMPSON: I think what they use
24 this for is like, for example, on the front of the
25 handbook, like this, if they were to -- if you were

1 to be in this picture as a student, that's what
2 that's referring to. Am I correct?

3 MR. LITTLE: You're correct.

4 MS. THOMPSON: Okay. Or if there's
5 a special project.

6 MS. NYE: Commercial?

7 MR. LITTLE: Right.

8 MS. THOMPSON: Right.

9 MS. CURTIS: Okay.

10 MS. THOMPSON: Is there any other
11 type of situation where that would be applied?

12 MR. LITTLE: Would not be.

13 MS. THOMPSON: Okay. And the
14 students who've -- even though they sign this
15 contract, prior to doing this, do you say, "Okay.
16 This is the picture," and get their permission
17 again as a --

18 MR. LITTLE: That's correct.

19 MS. THOMPSON: -- secondary
20 followup? Okay.

21 MS. CURTIS: Okay. All right.

22 MS. THOMPSON: Like it better?

23 MS. CURTIS: Yes. That makes sense
24 -- that answers my questions.

25 MS. THOMPSON: Any other questions

1 or concerns from the board?

2 (NO RESPONSE.)

3 MS. THOMPSON: Okay. Hearing none,
4 I'll entertain a motion.

5 MS. RODGERS: Make a motion to
6 approve.

7 MS. BROWN: I'd like to second the
8 motion.

9 MS. THOMPSON: I have a motion and a
10 second to approve Virginia College, Florence
11 campus. Any further discussion?

12 (NO RESPONSE.)

13 MS. THOMPSON: Hearing none, all in
14 favor, signify by saying aye.

15 BOARD MEMBERS: Aye.

16 MS. THOMPSON: Opposed? And the
17 motion carries. George Barr is primarily our
18 school inspector. He is out today. But he will be
19 in contact with you about setting up inspection
20 dates.

21 MR. LITTLE: We look forward to a
22 long relationship.

23 MS. THOMPSON: Thank you. As do we.

24 *****

25 MS. THOMPSON: Moving on, new

1 business, IRC. So we're going to back up a little
2 bit in our packet, ladies. How come we have more
3 than one?

4 MS. MCCARTHA: Two are given to you
5 today. There's a March 30th that was in your
6 packet, and then there's an additional IRC from May
7 9th. And then there's also the inspection.

8 (Off-the-record discussion.)

9 MS. THOMPSON: DeLeon, do you do
10 this?

11 MR. ANDREWS: Yes. I'm sorry, I
12 didn't have the previous report with me, so I don't
13 have --

14 MS. THOMPSON: You moved on me.
15 I just had one question. It's Case No. 273.
16 There's an issue about a signature. And then the
17 logic was they were cautioned. I'm a little
18 concerned about that.

19 MR. ANDREWS: That case, I was
20 involved with Mr. Taylor in that investigation.
21 You know, it appeared -- there's a big question
22 mark. The statements from individuals. Also some
23 other individuals were interviewed. And it appears
24 he was able to sign her signature in some cases on
25 some documents because of his involvement in kind

1 of being a partner with her. And so --

2 MS. THOMPSON: Don't you have to
3 have a power of attorney or something to do that
4 legally? If you get somebody to sign --

5 MS. MCCARTHA: We can't go too far
6 in the details.

7 MS. THOMPSON: Right.

8 MS. MCCARTHA: Was there evidence to
9 support the allegations in the IRC report?

10 MR. ANDREWS: No. We couldn't
11 really pin anything on them. It was "He said, she
12 said," and that's what it came down to.

13 MS. THOMPSON: Do we have a policy
14 or a procedure or -- I don't know how common this
15 is, if we've ever this situation before. But what
16 is our stance on that? Because to me, it's a no
17 tolerance stance. I don't know exactly what you do
18 so far as to prove this, that and the other. But
19 in the future, do we learn anything from this
20 particular case, to maybe help us deal with it if
21 it comes before us again? Or --

22 MR. ANDREWS: It's really hard to
23 say. In this -- this was very unusual, all the
24 circumstances involving this. And there's really
25 no way to say if -- and also, there was some

1 personal things in here.

2 MS. THOMPSON: So this is unusual.

3 MR. ANDREWS: This is unusual, very
4 unusual. We'll probably never see anything like
5 this again.

6 MS. THOMPSON: That's a good thing.

7 MS. WEBB: Let me ask something.

8 Now you said they were partners?

9 MS. THOMPSON: You can't really ask
10 a whole lot of details about that specific case.

11 MS. WEBB: Got you.

12 MS. MCCARTHA: One of those
13 situations, you trust your IRC, which has --
14 professional.

15 MS. WEBB: That's a good one too,
16 trust.

17 MS. THOMPSON: Did anyone else have
18 any other questions about the IRC reports?

19 (NO RESPONSE.)

20 MS. THOMPSON: In that case, I'll
21 entertain a motion.

22 MS. WEBB: I make a motion to
23 approve all of the IRC.

24 MS. THOMPSON: I have a motion to
25 approve IRC. Do I have a second?

1 MS. BROWN: Seconded.

2 MS. THOMPSON: Have a motion and a
3 second. Any further discussion?

4 (NO RESPONSE.)

5 MS. THOMPSON: Hearing none, all in
6 favor, signify by saying aye.

7 BOARD MEMBERS: Aye.

8 MS. THOMPSON: Opposed? The motion
9 carries.

10 MR. ANDREWS: Thank you.

11 MS. THOMPSON: Thank you.

12 *****

13 MS. THOMPSON: Review of vocational
14 school hours and inspections.

15 MS. MCCARTHA: Your inspection
16 report, that had an IRC in it. You approved all of
17 them, which includes this document; is that
18 correct?

19 MS. THOMPSON: No. Well, I'm not
20 sure. Who made the motion? Kathy, did your motion
21 include all the documents that we have?

22 MS. WEBB: No, it did not.

23 MS. THOMPSON: It did not.

24 MS. WEBB: Right. That's all
25 it included.

1 MS. MCCARTHA: Well, Mr. Boland can
2 tell you about that.

3 MS. THOMPSON: I apologize. I need
4 to back on up then. We should have that on there
5 twice, so that I knew we were doing it twice.

6 MR. BOLAND: I apologize.

7 MS. THOMPSON: You're trying to see
8 if I'm paying attention, which obviously I failed
9 that test.

10 MR. BOLAND: And I'll try to give
11 you a quick little background. I think what
12 happened is --

13 MS. THOMPSON: If I could just
14 interrupt you one second.

15 MR. BOLAND: Sure.

16 MS. THOMPSON: Are you going to be
17 talking about all of our reports that look like
18 this?

19 MR. BOLAND: Yes.

20 MS. THOMPSON: Okay.

21 MR. BOLAND: The three months for
22 the -- they say "Inspection IRC, Cosmetology
23 Inspection IRC."

24 MS. THOMPSON: Yes. All of these.

25 MR. BOLAND: You should have one for

1 January and one for February and one for March.

2 MS. THOMPSON: Got you.

3 MR. BOLAND: Three of them.

4 MS. THOMPSON: You see them?

5 MR. BOLAND: And I'll try to work
6 with the investigation side, so in the future, they
7 will say "Investigation IRC," and we got an
8 "Inspection IRC." Basically what this does is it
9 kind of replaces that citation power that the
10 inspectors used to have in the field. Since they
11 don't have the citation power anymore, this speeds
12 up -- I think in the past what was taking place, if
13 an inspector ran into an issue of unlicensed
14 practice or whatever, then it had to become a case,
15 had to go through an investigation process and it
16 just bogged down the system.

17 So to speed this up, Byron and I sat down. If
18 we got what we call "unsatisfactory inspections"
19 that we bring back weekly -- weekly I get these.
20 And then we do an inspection IRC. And basically,
21 we use your resolution guidelines that you put out,
22 and that's what these inspection IRCs are. And it
23 goes back to January because accidentally got
24 omitted last board meeting. But that's what these
25 are, for the January, February and March inspection

1 IRCs.

2 MS. THOMPSON: So there's an
3 inspection IRC and an investigation --

4 MR. BOLAND: And we only do these
5 for two boards: Yours, cosmetology, and the
6 Barber's.

7 MS. THOMPSON: Can we call them
8 something different? because IRC is -- I mean, to
9 call two things "IRC" is confusing to me.

10 MS. RODGERS: Inspection IRC,
11 that's --

12 MR. BOLAND: Well, I call it
13 "inspection IRC." I mean, I guess we can work on a
14 name internally, but --

15 MS. THOMPSON: Okay, inspection
16 IRC --

17 MR. BOLAND: -- but mine is an
18 inspection --

19 MS. THOMPSON: IRC is the
20 investigation.

21 MR. BOLAND: Yes, ma'am.

22 MS. THOMPSON: Okay.

23 MR. BOLAND: Because it's strictly
24 -- all I deal with is inspections. You know, if we
25 were to have something like fraud on a license, the

1 signature, those would become an actual case.
2 We're just doing -- most of what we're catching is
3 either sanitation violations when we're out there
4 or unlicensed practice, you know.

5 MS. THOMPSON: So just for my
6 clarification, to simplify or clarify the agenda,
7 should it perhaps have said under "inspector's
8 report," A, B and C? Number of inspection, number
9 of open complaint cases, and then C, an inspection
10 IRC?

11 MR. BOLAND: If you want to handle
12 it that way. Or when you get to the IRC, could
13 have an "inspection IRC," then "IRC" --

14 MS. THOMPSON: I'd rather --

15 MR. BOLAND: But if you want to --

16 MS. THOMPSON: -- you to stand up,
17 sit down, stand up, sit down, or you just stand up
18 and do your thing, and then you can sit down and --

19 MR. BOLAND: That would be great
20 with me. So I'll get with Byron and we'll have it
21 just put under the inspection numbers next time.

22 MS. THOMPSON: Okay.

23 MR. BOLAND: We'll take care of it.

24 MS. THOMPSON: All right. So now,
25 moving on, start with January. Any board members

1 have any questions for Mr. Boland about the January
2 report?

3 (NO RESPONSE.)

4 MS. THOMPSON: Hearing none, let's
5 move on to February then. I did on Case No. 607, I
6 just circled "wow."

7 MR. BOLAND: Yeah.

8 MS. THOMPSON: Good job. Case 113,
9 I was a little confused, said "expired license not
10 working."

11 MR. BOLAND: Yeah.

12 MS. THOMPSON: Not quite sure I
13 understand.

14 MR. BOLAND: What that is is if we
15 go in and say "My license expired in 2011, but I
16 wasn't working," I may never come back to work. So
17 we really can't get them from our attorney that's
18 in there. Unless we actually see them working,
19 then we can get them for unlicensed practice.

20 MS. THOMPSON: I guess that's why
21 I'm confused. Was there --

22 MS. MCCARTHA: I'm not the attorney.

23 MS. THOMPSON: But I'm just saying
24 -- if I'm getting ready to say something I'm not
25 supposed to say, hush me up. I'm assuming there

1 was a complaint or something that got us in there.

2 MR. BOLAND: No. It's just an
3 inspection. We just go in and do our routine
4 inspection.

5 MS. THOMPSON: So we see a license
6 on the wall that's expired, but yet we don't see
7 anybody there working --

8 MR. BOLAND: Right.

9 MS. THOMPSON: -- are we to presume
10 that there potentially was or could be somebody in
11 there working and they just weren't there that day?

12 MR. BOLAND: Could be. And what
13 we're doing is basically, you know, on the expired
14 we're sending them C&D. Byron sends a C&D saying
15 "Do not work" --

16 MS. THOMPSON: Just in case they
17 want to come back --

18 MR. BOLAND: -- "until you get" --
19 right.

20 MS. THOMPSON: Okay.

21 MR. BOLAND: Until --

22 MS. THOMPSON: That's where I was
23 confused.

24 MS. CURTIS: Was there a question
25 asked of why that was still on the wall, if she

1 wasn't there?

2 MR. BOLAND: No, ma'am. We're just,
3 again --

4 MS. CURTIS: Just writing down --

5 MR. BOLAND: -- we're just going in
6 and doing our normal inspections in their normal
7 routine of day-to-day inspections out there. They
8 may -- you'll probably see a lot of this come at
9 the end of the renewal period. That's when we seem
10 to catch a good bit. We catch it all year long,
11 but it escalates at the end of renewal periods and
12 all. For whatever reason, people forget to renew
13 or claim they forget to renew or whatever the case
14 may be. But if we catch them, then like in the
15 past, they had citation power. But I guess in the
16 past -- Ron may can help me out -- if they didn't
17 catch them working, you couldn't write a citation
18 at that time either. So it's kind of handled the
19 same way, I believe.

20 MR. BLACKMON: That's correct,
21 Robbie. Back when we had the citation powers, and
22 it's the same situation as even now. We would go
23 in and if it was a situation where let's say a lady
24 was on maternity leave, or something like that,
25 their license were posted, they're expired, but

1 she's not there working. She's not actually
2 practicing and violating the law in the sense of
3 she's not practicing cosmetology with a lapsed
4 license. So we did not issue a citation back then.
5 And the same holds true for today.

6 MS. THOMPSON: Right. Perhaps she
7 has her current license at home with her on
8 maternity leave and she's just not replaced it at
9 the salon.

10 MR. BLACKMON: Or she's waiting
11 until she gets ready to come back, to renew it.

12 MS. THOMPSON: Right. Okay.

13 MR. BLACKMON: I know I ran into
14 that situation just the other day; I just want to
15 use it as an example, you know. And that that's
16 just --

17 MS. THOMPSON: Any other questions?

18 (NO RESPONSE.)

19 MS. THOMPSON: Hearing none, I'll
20 entertain a motion for the inspection IRC reports.

21 MS. WEBB: Madam Chair, I make a
22 motion to approve the inspection IRC reports.

23 MS. THOMPSON: All of them?

24 January, February, March?

25 MS. WEBB: Yes.

1 MS. THOMPSON: I have a motion to
2 approve the inspection IRC reports, January,
3 February and March.

4 MS. CURTIS: Second.

5 MS. THOMPSON: I have a motion and a
6 second. Any further discussion?

7 (NO RESPONSE.)

8 MS. THOMPSON: Hearing none, all in
9 favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 MS. THOMPSON: Opposed? Motion
12 carries.

13 MS. WEBB: Madam Chair, I do have
14 one question. I mean, not about -- I just wonder
15 how they're keeping up with the law classes being
16 taken, or they're issued to be taken.

17 MR. RAY: Yes. That goes to
18 Bridgette, our compliance person. So she tracks
19 that. Dottie sends a monitoring report and is
20 tracked very closely.

21 MS. WEBB: Okay. So you're saying
22 right now -- or let me ask this: Have we had any
23 that have not taken a law class?

24 MR. RAY: I'd have to check with
25 Bridgette.

1 MS. WEBB: And what happens if
2 that's the case? Do they come before us?

3 MS. WEBB: They will. They will.

4 MS. PHILLIPS: Excuse me. I teach a
5 lot of law classes and sanitation classes. And I
6 have had problems over the last eight year -- eight
7 months, not eight years, finding out who the proper
8 person was to send that information to. And it's
9 still not clear.

10 MR. RAY: Well, we have a new
11 person, and it will be Ms. Bridgette Jenkins.

12 MS. PHILLIPS: Okay. I mean no
13 disrespect, Mr. Ray. None at all. But for the
14 last year, I've got some people who are still
15 hanging to wait and find out if they've succeeded,
16 even though they have completed what they were
17 supposed to complete with me. And I've been
18 advised who to send it to. And that person has
19 changed multiple. And I'm sure you would agree
20 with me, multiple times. I was even told that Beth
21 Cumalander for like six months after she no longer
22 did it.

23 MR. RAY: Right.

24 MS. PHILLIPS: So there's not any
25 real --

1 MR. RAY: Well, we have a new
2 permanent person. She's --

3 (Talking over one another.)

4 MS. PHILLIPS: When am I going
5 to be notified of that, so that I can -- I would be
6 glad to -- these people are waiting and waiting and
7 waiting, and I'm sending -- I'm sorry, Ms.
8 Thompson.

9 MS. THOMPSON: I'm going to address
10 that in just a little bit. We're going to actually
11 compile a --

12 MS. PHILLIPS: I'm not trying to
13 be --

14 MS. THOMPSON: No, no. We're going
15 to compile and then distribute a list of current
16 staff, who's responsible for what and give you
17 contact names and numbers to help simplify the work
18 load on LLR and also simplify the process for all
19 of us licensees. But we'll get to that in just a
20 few minutes. It's being handled.

21 MS. WEBB: It's being handled.

22 MS. THOMPSON: Yes. And while we're
23 here --

24 MS. MCCARTHA: Are we done with
25 the inspection of Mr. Boland?

1 MS. THOMPSON: Yes.

2 MS. MCCARTHA: That's my question.

3 MS. THOMPSON: The motion passed,
4 yes. Bridgette, would you stand up and just let us
5 see your face and put your name with your face,
6 because I've heard your name, but although I have
7 not met you. This is Bridgette. Bridgette is part
8 of our staff now. She'll be working with us.
9 She'll be working with us. We will find out in a
10 little bit exactly what we will be asking of
11 Bridgette. Bridgette, if you have anything that
12 you need from the board, if we can do anything to
13 help make your job easier for you, please don't
14 hesitate to call us. But if you have a card --

15 MS. JENKINS: I don't have a card.

16 MS. THOMPSON: You don't. Well, how
17 do we get Bridgette some cards?

18 MS. WEBB: Yeah.

19 MS. THOMPSON: If you'll just maybe
20 jot down for Byron your contact information, email
21 address and phone number, so that we can distribute
22 it to the board. And then when we're making our
23 list, we'll be able to include that.

24 MS. JENKINS: Okay. I sure will.

25 MS. THOMPSON: Thank you.

1 MS. JENKINS: Thank you.

2 MS. THOMPSON: Thank you. Moving
3 on. Next on the agenda is actually pertaining to
4 vocational hours, but George Barr has had an injury
5 and is not in today. Tracy McCarley was going to
6 try and step in for him, answer some questions, I
7 believe. Is that correct? But she was not
8 available right this second. So if I could ask the
9 board maybe to consider making a motion to
10 deferring this particular part for later on in the
11 agenda, so that when Ms. McCarley can be here.

12 MS. CURTIS: I make a motion to
13 defer.

14 MS. THOMPSON: Thank you. I have a
15 motion. Do I have a second?

16 MS. WEBB: Second.

17 MS. THOMPSON: Motion and a second.
18 Any further discussion?

19 (NO RESPONSE.)

20 MS. THOMPSON: Hearing none, all in
21 favor, signify by saying aye.

22 BOARD MEMBERS: Aye.

23 MS. THOMPSON: Opposed? Motion
24 carries. Okay. That takes us to C, review of
25 clarification on the 24-month limit of validity of

1 hours and clarification of how that affects the
2 candidates who fail a portion of the exam. Who
3 wants to talk to me about this?

4 MS. MCCARTHA: It's a staff
5 question, I believe.

6 MS. THOMPSON: Is this a staff
7 question?

8 MS. MCCARTHA: It's a staff
9 question; is that correct?

10 MR. RAY: Yes. We had a candidate
11 that took her exams at PCS. It's been some time,
12 and time with gap between the time she'd come back
13 and take it again, and there was a little bit of
14 confusion on, you know, what were the proper
15 procedures for that particular case, if we get
16 another one that comes up.

17 MS. MCCARTHA: The example as Mr.
18 Ray explained it to me was that a person maybe
19 fails -- either passes the theory or passes the
20 practical, but not both. And those are the only
21 two parts to y'all's examination, correct?

22 MS. THOMPSON: Correct.

23 MS. MCCARTHA: So they fail half the
24 exam, but they pass the other half. Do they still
25 have -- do they have 24 months.

1 MS. THOMPSON: Period.

2 MS. MCCARTHA: Twenty-four months
3 period.

4 MS. THOMPSON: Period. Because in
5 my opinion, there is no reason in the world that --
6 as soon as I graduated, I was anxious to test and
7 get my license. Short of a tragedy, an emergency,
8 I don't understand why in the world there would be
9 the need, even if they did fail one portion, or
10 even both portions, within 24 months, they have
11 enough time to retake. So 24 months is 24 months.

12 MS. RODGERS: And they only have to
13 retake the portion --

14 MS. THOMPSON: Right. They're only
15 retaking the portion that they fail. But after 24
16 months from their graduation date, 24 months from
17 that, their hours are invalid. Now, again, I mean,
18 I think we have to use discretion. If they've been
19 in a horrible car accident and they've been in a
20 body cast for six months, then, you know, we might
21 need to do a little something. But generally
22 speaking, is that the consensus of the board?

23 BOARD MEMBERS: Yes.

24 MS. THOMPSON: Okay. Does that
25 clear it up?

1 MR. RAY: It's --

2 MS. THOMPSON: Okay. Moving on.

3 Approval -- sorry?

4 MR. RAY: I think Shirley's got a
5 question.

6 MS. WIDER: I have a question for
7 you. That law was passed in 2010, right?

8 MS. THOMPSON: Uh-huh.

9 MS. WIDER: Okay. How about these
10 people prior to that? It does not apply to them.

11 MS. THOMPSON: No, ma'am. The
12 current law is current law, as far as everybody;
13 that was my interpretation; is that correct? I
14 mean, the law that we have right now is the one we
15 have to abide by.

16 MS. MCCARTHA: The one that you have
17 right now is the one you have to abide by. There
18 are some occasional situations where you agreed the
19 law applied to something retroactive. I can't tell
20 you without looking at the specific actual case,
21 and then reviewing the law, whether or not this is
22 one of those.

23 MS. THOMPSON: So if you have a
24 particular situation of an applicant who's trying
25 to come before you how many ever years ago, then it

1 would be at that point where you would have to take
2 it to Sara for legal interpretation. Matteah.

3 MS. TAYLOR: Well, wouldn't that
4 have been the one that went into affect as of 2011,
5 January 1st?

6 MS. THOMPSON: The ones that went
7 into affect; what do you mean?

8 MS. TAYLOR: The law that went into
9 affect. So it wouldn't affect those that were
10 prior to that law, correct?

11 MS. THOMPSON: Okay. The last regs
12 were approved 2010. So at this point, it's been
13 two years from 2010.

14 MS. TAYLOR: Right.

15 MS. THOMPSON: So there's really no
16 need for anybody from 2009 to still be hanging on.

17 MS. TAYLOR: The letter that went to
18 the schools said "effective January 1st, 2011,"
19 (Inaudible), because they were not giving notice to
20 people that were already in school had completed
21 it. So it was decided by the director at that time
22 that effective that date.

23 MS. THOMPSON: Starting January 1st,
24 2011, that the 24 month time frame was implemented.

25 MS. TAYLOR: That's when the clock

1 started.

2 MS. THOMPSON: Okay. But I think
3 what Shirley's question was was what about the
4 people of 2010. Is that what you're asking?

5 MS. WIDER: Since a lot of people
6 out there that went to vocational school,
7 graduated, maybe 2008, but they never took the
8 exam. They just had their hours. And now they
9 want to take the exam.

10 (Talking over one another.)

11 COURT REPORTER: Y'all have got to
12 just talk one at a time.

13 MS. RODGERS: Well see, a vocational
14 school, from what I remember, once they finished in
15 that senior year, they turn around and they're
16 scheduled. The whole class comes and takes the
17 test. Why would you not take the test if you're in
18 a vocational school?

19 MS. THOMPSON: I don't know. And
20 we could debate the "what ifs" and the
21 hypotheticals all day long. But, I mean, without a
22 specific case, I don't know. But the
23 interpretation at this point is, 24 months from
24 January 1st, 2011. That started the official clock
25 for all those enrolled --

1 MS. MCCARTHA: If it was after -- if
2 January 1 was when that regulation went into
3 affect, then --

4 MS. THOMPSON: The regulation went
5 into affect --

6 MS. MCCARTHA: -- that 24 month
7 rule --

8 MS. THOMPSON: -- 2010. But what
9 they're saying is that the letter was sent to
10 schools giving them the January 1st, 2011.

11 MS. MCCARTHA: You know, I really,
12 quite frankly, need to look at a specific situation
13 to give you a better opinion.

14 MS. THOMPSON: Okay. And what we
15 may need to do is let Sara do a little bit of
16 research and then address this again, to make sure
17 that everyone is clear on -- but again, I think
18 it's going --

19 MS. MCCARTHA: Y'all are telling me
20 -- you told me like three different time clocks,
21 and I don't think I can sit here and analyze that
22 and give you a --

23 MS. THOMPSON: Right.

24 MS. MCCARTHA: -- legal opinion.

25 MS. THOMPSON: And the thing is,

1 again, it comes back to the specifics. You know, I
2 use the example of the person in the body cast.
3 You know, there are always going to be exceptions
4 to the rule. But we can debate hypotheticals all
5 day.

6 *****

7 MS. THOMPSON: Okay. So now moving
8 on, approval of new school, Upstate College of
9 Cosmetology. Ms. Watson?

10 THE WITNESS: Yes, ma'am.

11 MS. THOMPSON: If you would, just go
12 ahead and state your name for the record, so that
13 we make sure we have --

14 THE WITNESS: Sharon Watson.

15 MS. THOMPSON: All right. And if
16 you have your identification, if you will just give
17 it to Ciel. And we're going to just go ahead and
18 swear you in.

19 THE WITNESS: Sure.

20 (The witness is sworn in.)

21 MS. THOMPSON: Okay. And if I'm
22 understanding this correctly, you were having a
23 change in location --

24 THE WITNESS: Yes, ma'am.

25 MS. THOMPSON: -- for your school.

1 We had some issues with your school previously, but
2 according to what I have here with the notes, those
3 issues have been resolved.

4 THE WITNESS: Yes, ma'am.

5 MS. THOMPSON: Completely?

6 THE WITNESS: Completely.

7 MS. THOMPSON: I did have a couple
8 of notes here. On your application, it only shows
9 one instructor, but yet it looks like you can
10 accommodate many more students than one instructor
11 can handle.

12 THE WITNESS: Uh-huh.

13 MS. THOMPSON: For me, I either need
14 the list -- I either need names of additional
15 instructors, or we need to change that number of 60
16 down to 20, because the ratio is 1 to 20.

17 THE WITNESS: Right.

18 MS. THOMPSON: If you're going to
19 have more than 20 students in the building at one
20 time, then you need to have two instructors or
21 three.

22 THE WITNESS: Yes.

23 MS. THOMPSON: So which is it going
24 to be?

25 THE WITNESS: It -- it all depends.

1 Sometimes I'm alone, sometimes I have more. If I
2 have more, I'll hire another instructor.

3 MS. THOMPSON: Then what we need to
4 do is we just need to put -- for now --

5 THE WITNESS: To keep it --

6 MS. THOMPSON: -- but you have one
7 instructor right now.

8 THE WITNESS: Yes, ma'am.

9 MS. THOMPSON: That means you can
10 have 20 students right now.

11 THE WITNESS: Yes. Yes, but we do
12 the school for, I think it's up to 60 students, but
13 never -- I've never had --

14 MS. THOMPSON: That's your maximum
15 capacity --

16 THE WITNESS: Yes.

17 MS. THOMPSON: -- for your building?

18 THE WITNESS: Yes.

19 MS. WEBB: She can accommodate 20
20 today. Is that what she's asking?

21 MS. THOMPSON: Currently, she can
22 enroll 20 because she has one instructor.

23 MS. WEBB: Okay.

24 MS. THOMPSON: But she has the
25 capacity to enroll up to 60, but she is clear that

1 she needs three instructors to do that.

2 On your contract and your agreement, there's a
3 typo. I think the way that I read this -- and it's
4 not numbered, so I don't really know how to tell
5 you where to get there. It's toward the bottom and
6 it begins with "Upstate College of Cosmetology will
7 provide a certified transcript to any student who
8 withdraws and graduates"? Should it be "or"?

9 MS. RICCETELLI: It should be
10 and/or.

11 MS. THOMPSON: Okay.

12 COURT REPORTER: I need to know who
13 just spoke.

14 MS. RICCETELLI: This is Kathy
15 Riccetelli.

16 MS. THOMPSON: And actually, if
17 you're going to speak, we're going to have to swear
18 you in as well, and have your I.D. as well.

19 MS. RICCETELLI: I do.

20 COURT REPORTER: Okay. And can you
21 spell your last name for me?

22 MS. RICCETELLI: R-I-C-C-E-T-E-L-L-
23 I.

24 THE WITNESS: And she's manager.

25 (The witness is sworn in.)

1 MS. THOMPSON: Ms. Watson, the
2 continuation certificate for your bond --

3 THE WITNESS: Uh-huh.

4 MS. THOMPSON: -- it actually says
5 that it's ending May 18th of 2012.

6 THE WITNESS: Yes, ma'am. It's due
7 to be renewed on Friday.

8 MS. NYE: And you haven't renewed it
9 yet?

10 THE WITNESS: We were at the office
11 the other day. It will be renewed on Friday. I
12 have the bond right now.

13 MS. THOMPSON: Okay. Then the
14 approval will be contingent upon receipt of the
15 current bond. So when it's renewed -- because I
16 mean today, we can --

17 THE WITNESS: We'll get it directly
18 to you.

19 MS. THOMPSON: Okay.

20 THE WITNESS: Yes.

21 MS. THOMPSON: But I'm just saying
22 that if the board's desire is to approve the
23 application, then that approval will be contingent
24 upon receipt.

25 THE WITNESS: Of course.

1 MS. THOMPSON: -- of this bond.

2 THE WITNESS: Yeah.

3 MS. THOMPSON: Have you had a
4 preliminary inspection of the new facility yet?

5 THE WITNESS: Yes.

6 MS. THOMPSON: You have?

7 THE WITNESS: Yeah.

8 MS. THOMPSON: When was that done?

9 THE WITNESS: A week ago, week and a
10 half ago. Mr. Barr, yes, he's -- and he was going
11 to speak with Kathy to see if she -- if she could
12 come this week.

13 MS. WEBB: Trying to find the date
14 on here. Okay, 4/23.

15 MS. THOMPSON: 4/23 sounds right?

16 THE WITNESS: Yes, ma'am.

17 MS. THOMPSON: Do any board members
18 have any questions?

19 MS. NYE: On the quarterly
20 inspections that were done, I guess back whenever
21 this issue was, would we have copies of that? Or
22 is that something we could get?

23 MS. THOMPSON: Do we have copies of
24 the inspection reports as part of the consent
25 agreement previously? I know that Ms. Watson

1 stated that everything had been resolved.

2 MS. NYE: There wasn't any
3 results from this inspection. So I'm just making
4 sure. I knew you said that everything worked out.

5 MS. RICCETELLI: And we -- we got a
6 final release in everything, yes.

7 MS. NYE: Okay.

8 MS. RICCETELLI: I didn't bring it
9 today because I assumed you had it.

10 MS. THOMPSON: Any other questions?

11 (NO RESPONSE.)

12 MS. THOMPSON: Is the board prepared
13 to make a motion?

14 MS. WEBB: Madam Chair, I make a
15 motion to approve the application for Upstate
16 College of Cosmetology, pending we receive the --

17 MS. THOMPSON: Receipt of the
18 current bond?

19 MS. WEBB: -- the bond. Yes.
20 Sorry.

21 MS. THOMPSON: Okay. We have a
22 motion to approve the application for the
23 cosmetology school, pending receipt of their
24 current bond. And what this motion does, just for
25 explanation purposes, it takes us a step further,

1 where our inspector, as well as a board member,
2 will go do the final inspection. So before the
3 facility actually opens, there will be another
4 inspection. Any other discussion? Do I have a
5 motion and a second?

6 MS. NYE: Second.

7 MS. THOMPSON: Okay. Any
8 discussion?

9 (NO RESPONSE.)

10 MS. THOMPSON: Hearing none, all in
11 favor, signify by saying aye.

12 BOARD MEMBERS: Aye.

13 MS. THOMPSON: Opposed? The motion
14 carries.

15 THE WITNESS: Thank you.

16 MS. THOMPSON: Thank you.

17 *****

18 MS. THOMPSON: Okay. Moving on,
19 Karl Fisher. And just for informational purposes,
20 if you are on the agenda to appear before the board
21 today, please be prepared to present your
22 identification to our court reporter and be sworn
23 in.

24 COURT REPORTER: Madam Chair, he's
25 got a Georgia license.

1 MS. THOMPSON: Okay. But it's
2 current?

3 COURT REPORTER: 2019.

4 MS. THOMPSON: Thank you. And Mr.
5 Fisher, if you would just state your full name for
6 the record, please, and then you'll need to be
7 sworn in by Ciel.

8 THE WITNESS: Karl William Fisher.

9 (The witness is sworn in.)

10 MS. THOMPSON: This hearing is
11 called to order. This is the matter of Karl W.
12 Fisher. At this time, does any board member have
13 any reason to recuse him or herself from
14 consideration of this application? Does any board
15 member have any need to recuse themselves?

16 (NO RESPONSE.)

17 MS. THOMPSON: Okay. The purpose of
18 this hearing is to determine whether the applicant
19 should be granted a license as a cosmetologist.
20 Everyone is reminded that these proceedings are
21 being recorded and that all witnesses must be sworn
22 before they testify. All remarks should be
23 directed to the chairman.

24 Mr. Ray, is the complete application packet in
25 our materials?

1 MR. RAY: Yes, ma'am.

2 MS. THOMPSON: And what questions
3 did staff have concerning this application?

4 MR. RAY: Application could not be
5 approved at staff level due to some items on the
6 criminal background report submitted with the
7 application.

8 MS. THOMPSON: Okay. And did staff
9 subpoena any other persons to be here today to
10 answer questions we may have?

11 MR. RAY: No, ma'am.

12 MS. THOMPSON: Okay. Mr. Fisher is
13 present. Mr. Fisher, do you have legal counsel
14 with you today?

15 THE WITNESS: No, I did not.

16 MS. THOMPSON: You didn't, okay.
17 But you realize you could if you so chose.

18 THE WITNESS: Yes. Yes, ma'am.

19 MS. THOMPSON: All right. And is
20 there anyone else here today that will be speaking
21 on your behalf? Or will you just be speaking for
22 yourself?

23 THE WITNESS: Just myself.

24 MS. THOMPSON: All right. Mr.
25 Fisher, tell us what we've got here.

1 THE WITNESS: I believe we have a
2 copy from the United States District Court -- where
3 I completed my probation. And I'm clear on that.
4 I also gave you a statement explaining charges and
5 why that on the application I answered yes to the
6 LLR -- LLR Question 11 and provided -- and provided
7 a clear background check for the state of
8 Washington. Federal charges. I have no state
9 charges. I was never arrested or convicted on any
10 charges for the state.

11 MS. THOMPSON: In which state?

12 THE WITNESS: Washington state.

13 MS. THOMPSON: So the charges and
14 convictions that you do have against you were
15 committed in what state?

16 THE WITNESS: Washington.

17 MS. THOMPSON: But they're federal
18 charges. So --

19 THE WITNESS: But they are federal.

20 MS. THOMPSON: Okay. And you said
21 you have completed your probation. When did that
22 completion happen? When did you finish that?

23 THE WITNESS: January 5th,
24 2009.

25 MS. THOMPSON: 2009. Are there

1 questions from the board?

2 MS. WEBB: Yes. Can you explain
3 some of the charges there?

4 THE WITNESS: Do you have the
5 (inaudible)?

6 MS. WEBB: Yes.

7 THE WITNESS: Okay. Basically what
8 this is is I was sentenced to -- there was
9 possession.

10 MS. WEBB: Possession and other
11 counterfeit securities. What is that?

12 THE WITNESS: Checks.

13 MS. WEBB: Checks?

14 THE WITNESS: Yes.

15 MS. CURTIS: What type of checks?
16 Personal checks? Or --

17 THE WITNESS: Business checks.

18 MS. CURTIS: Business checks. A
19 bank? Did you work at the bank?

20 THE WITNESS: No, I did not work at
21 the bank. I -- I -- I did not work at that bank.
22 It was -- they were payroll checks.

23 MS. CURTIS: Payroll checks.

24 MS. THOMPSON: Mr. Fisher, I know
25 that this is a personal situation and, honestly,

1 our intent is not to embarrass you at all.

2 THE WITNESS: No, no.

3 MS. THOMPSON: But in order for --

4 THE WITNESS: I mean, it was --

5 MS. THOMPSON: Right. So what we're
6 going to need --

7 THE WITNESS: Right.

8 MS. THOMPSON: You need to explain
9 it to us.

10 THE WITNESS: Okay.

11 MS. THOMPSON: We need to
12 understand.

13 THE WITNESS: I produced payroll
14 checks and they were cashed. And they were based
15 on -- they were business checks that were
16 reproduced and then cashed.

17 MS. THOMPSON: Okay. So basically,
18 you forged checks.

19 THE WITNESS: Forged checks.

20 MS. THOMPSON: Okay. So you weren't
21 in a situation where you were in charge of payroll
22 for a company and you just wrote somebody --

23 THE WITNESS: No.

24 MS. THOMPSON: -- extra checks. You
25 actually fabricated a check.

1 THE WITNESS: Yes.

2 MS. THOMPSON: Gave it to someone
3 and they cashed it.

4 THE WITNESS: Gave it, yes.

5 MS. THOMPSON: Okay.

6 MS. CURTIS: And that occurred when?

7 THE WITNESS: That would have
8 occurred in 2003, I think, so almost ten years ago.

9 MS. WEBB: It's 2003.

10 MS. THOMPSON: And if I'm reading
11 this correctly, you served 12 months; is that
12 correct? And then --

13 THE WITNESS: Yes.

14 MS. THOMPSON: -- you were on
15 probation for three years?

16 THE WITNESS: Yes. And I was also
17 on home monitoring for, I believe, 15 months,
18 before my court date. So I had an ankle bracelet
19 and was required to report to a, what do they call
20 it, pre-trial, pre-trial --

21 MS. THOMPSON: And the payroll
22 checks that you forged, did you work for this
23 particular company? How did you --

24 THE WITNESS: How did I obtain that?

25 MS. THOMPSON: Yes. What made you

1 decide to forge that particular company's checks?
2 Did you work for them?

3 THE WITNESS: No, I did not.

4 MS. THOMPSON: Okay.

5 THE WITNESS: It was somebody that I
6 had known, was doing the same thing.

7 MS. THOMPSON: Okay.

8 THE WITNESS: And it seemed --

9 MS. THOMPSON: Seems like a good
10 idea at the time?

11 THE WITNESS: Like a good idea.

12 MS. THOMPSON: Doesn't seem like a
13 good idea anymore, though, right?

14 THE WITNESS: No, it's not such a
15 good idea.

16 MS. THOMPSON: Okay. And you
17 understand --

18 THE WITNESS: Hindsight --

19 MS. THOMPSON: Right. Our
20 hesitations are, obviously, in this profession, you
21 come in contact with people's personal information,
22 their credit card numbers, their check accounts.
23 There's things like that. And so it is our job to
24 protect the public.

25 THE WITNESS: Right.

1 MS. THOMPSON: And with identity
2 theft on the rise, we have to be certain that we
3 don't feel that you're a risk for any potential
4 clients that come your way. Have you taken -- you
5 are currently licensed in Washington.

6 THE WITNESS: I have a current
7 license in Washington state. I have a current
8 license in Georgia.

9 MS. THOMPSON: So you're licensed in
10 Washington and Georgia.

11 THE WITNESS: Yes. And I believe
12 you have the Georgia paperwork exam results.

13 MS. WEBB: Are you moving here?
14 Or --

15 THE WITNESS: I work for -- I work
16 for a corporation that South Carolina is in that
17 region. And I currently -- I manage a salon for
18 them. And to be able to potentially advance, I
19 want to have the licenses, so that I can be
20 considered for promotion.

21 MS. WEBB: It's like a salon chain?

22 THE WITNESS: Yes.

23 MS. WEBB: Okay. Thank you.

24 MS. THOMPSON: But unless I'm
25 overlooking it, I do have a current copy of the

1 Washington license. I don't have current copy of
2 Georgia. I do see there's a printout about
3 examination in Georgia, but I don't have a license.
4 But now, I am flipping and flopping these papers,
5 so it may be that I'm overlooking it.

6 (Off-the-record discussion.)

7 MS. CURTIS: -- from the state of
8 Georgia, but I don't see a license.

9 MS. THOMPSON: Okay. Mr. Fisher,
10 did you submit your Georgia license as well to the
11 board? Or just your Washington one?

12 (The witness pauses.)

13 MS. THOMPSON: You don't remember?
14 Because he's flipping through papers just like I
15 am. I'm just wondering if you knew, if you
16 remembered you had submitted it or not.

17 THE WITNESS: I -- I do not
18 remember. I sent the request to have the exam
19 results sent. But I do not remember if I sent it
20 or not.

21 MS. RODGERS: Do you have a copy
22 with you?

23 THE WITNESS: I do have a copy of
24 the license. I do have a current license.

25 MS. THOMPSON: But I'm just

1 confused. Are you trying to endorse into our state
2 with your Georgia license? or your Washington
3 license?

4 THE WITNESS: Washington state was
5 not in compliance with the NIC exam when I was
6 licensed.

7 MS. THOMPSON: So we're going to
8 have to have your Georgia license if you're trying
9 to come in under your Georgia license.

10 THE WITNESS: Yes.

11 MR. RAY: Madam Chair, I apologize.
12 I do see it in here as an additional document.
13 Somehow -- the package, but we do have it.

14 MS. THOMPSON: So you have a valid,
15 current Georgia license for Mr. Fisher in his
16 file --

17 MR. RAY: A written verification.

18 MS. THOMPSON: I'm sorry?

19 MR. RAY: A verification from the
20 state of Georgia that he has an active license.

21 MS. THOMPSON: Okay. And it became
22 active when? And it expires when?

23 MR. RAY: Original issue date,
24 November 17th, 2011, expires -- actually expired
25 March 31st, 2012.

1 MS. THOMPSON: So we don't have a
2 current, valid Georgia license.

3 MR. RAY: Okay. He has provided a
4 more current one that expires 3/31/2014.

5 MS. THOMPSON: Okay.

6 THE WITNESS: At the time of the
7 application, the one --

8 MS. THOMPSON: Okay.

9 THE WITNESS: At the time I -- I --
10 I submitted the application --

11 MS. THOMPSON: Okay. So let me just
12 make sure we're all straight.

13 THE WITNESS: Okay. You are seeking
14 endorsement into South Carolina for licensure via
15 your Georgia license, which is established, it is
16 current and valid.

17 THE WITNESS: Okay. Essentially,
18 yes.

19 MS. THOMPSON: Then the reason for
20 not to be approved at staff level was the criminal
21 background. Okay. So does any board member have
22 any question regarding anything in the criminal
23 background reports? Any other questions for Mr.
24 Fisher regarding an endorsement license into South
25 Carolina via his Georgia license?

1 MS. WEBB: Madam Chair, I make a
2 motion to approve Mr. Fisher his license,
3 endorsement.

4 MS. RODGERS: Any stipulations?

5 COURT REPORTER: What did you say,
6 Cindy?

7 MS. THOMPSON: She asked "Any
8 stipulations to the motion?"

9 MS. WEBB: No. I don't think I have
10 any stipulations.

11 MS. THOMPSON: So Kathy's motion is
12 approval for licensure.

13 MS. BROWN: I second the motion.

14 MS. THOMPSON: I have a motion and a
15 second. Any further discussion?

16 (NO RESPONSE.)

17 MS. THOMPSON: Hearing none, all in
18 favor, signify by saying aye.

19 BOARD MEMBERS: Aye.

20 MS. THOMPSON: Opposed? The motion
21 carries. Mr. Fisher, your application was
22 approved.

23 THE WITNESS: Thank you.

24 MS. THOMPSON: Mr. Ray will get with
25 you and let you know the rest of the process to get

1 your license.

2 THE WITNESS: All right. Thank
3 you.

4 MS. WEBB: Madam Chair, I make a
5 motion for a ten minute break.

6 MS. THOMPSON: I have a motion for a
7 ten minute recess. Do I have a second?

8 MS. NYE: Second.

9 MS. THOMPSON: Motion and a second.
10 We're going to be taking a ten minute recess.

11 (Off the record.)

12 *****

13 MS. THOMPSON: Call this meeting
14 back to order. Elizabeth Bryant.

15 THE WITNESS: Yes, ma'am.

16 MS. THOMPSON: And just for the
17 record, prior to our recess, Ms. Bryant was sworn
18 in and her I.D. was verified by Ciel.

19 This hearing is called to order. This is the
20 matter of Elizabeth Bryant. Does any member of the
21 board have reason to recuse herself from
22 consideration of this application?

23 (NO RESPONSE.)

24 MS. THOMPSON: No? Could I have a
25 verbal response, please, from the board members?

1 BOARD MEMBERS: No.

2 MS. THOMPSON: Thank you. The
3 purpose of the hearing is to determine whether the
4 applicant should be granted a license as a
5 cosmetologist. Everyone is reminded that these
6 proceedings are being recorded and that all
7 witnesses must be sworn before they testify. All
8 remarks should be directed to the chairman.

9 Mr. Ray, is the complete application packet in
10 our materials?

11 MR. RAY: Yes, ma'am.

12 MS. THOMPSON: And what questions
13 did staff have concerning this application?

14 MR. RAY: The application could not
15 be approved at the staff level due to a felony on
16 the criminal background report.

17 MS. THOMPSON: And did staff
18 subpoena any other persons to be here today?

19 MR. RAY: No, ma'am.

20 MS. THOMPSON: And the applicant is
21 present. Ms. Bryant, do you have an attorney with
22 you today?

23 THE WITNESS: No, ma'am.

24 MS. THOMPSON: Would you like an
25 attorney with --

1 THE WITNESS: No, ma'am.

2 MS. THOMPSON: -- you today? Is
3 there anyone here today that will speak on your
4 behalf?

5 THE WITNESS: No, ma'am.

6 MS. THOMPSON: Okay. Ms. Bryant,
7 give us a little information. Catch us up-to-date
8 here as to what's going on with this background
9 report we have here.

10 THE WITNESS: Well, my background
11 started when I was probably about -- I believe it
12 started with I was 20. I'm 25 now. And I haven't
13 had anymore trouble since I've been 23. And I do
14 have a felony; it's possession of cocaine. And I
15 got it because I was in the car with my boyfriend
16 and I took the charge for him.

17 MS. THOMPSON: You took a charge for
18 your boyfriend?

19 THE WITNESS: Yes, ma'am.

20 MS. THOMPSON: So am I to understand
21 you to say that --

22 THE WITNESS: The drugs weren't
23 mine.

24 MS. THOMPSON: -- they weren't
25 yours.

1 THE WITNESS: They weren't mine.

2 MS. THOMPSON: But you said they
3 were for your boyfriend.

4 THE WITNESS: They -- but they were
5 in my car, so they -- they were mine.

6 MS. THOMPSON: Okay.

7 THE WITNESS: I have, I think, maybe
8 two disorderly conducts of public intoxication. I
9 have several driving under suspensions and I do
10 have a prostitution charge. It has been -- it has
11 been dismissed. The case wasn't even taken to
12 trial. It was thrown out. And I have no pending
13 charges. I'm not on any probation or anything.
14 And like this is just my last step to get my life
15 in order.

16 MS. THOMPSON: And if I'm reading
17 this correctly, it looks like the last charge that
18 you had against you was 2010 --

19 THE WITNESS: Yes, ma'am.

20 MS. THOMPSON: -- is that correct?
21 And there's been nothing else.

22 THE WITNESS: Nothing else. It was
23 for driving under suspension, I do believe.

24 MS. THOMPSON: I think so, yes.

25 THE WITNESS: Yes, ma'am, that was

1 my last charge.

2 MS. THOMPSON: Okay. And now have
3 you been in any -- have you been in any treatment
4 programs for alcohol or drugs?

5 THE WITNESS: Yes, ma'am.

6 MS. THOMPSON: Okay.

7 THE WITNESS: The conditions of my
8 probation were, it was three years probation. It
9 was suspended down to, nine months probation, drug
10 and alcohol treatment and that was all, I believe,
11 that I was sentenced to when I went to court.

12 MS. THOMPSON: Are you still with
13 the same boyfriend?

14 THE WITNESS: No, ma'am. I am
15 getting married in two weeks.

16 MS. THOMPSON: Well,
17 congratulations.

18 THE WITNESS: Thank you.

19 MS. WEBB: Let me ask this:
20 2/18/2010, that was arrest charge, prostitution.
21 But you're saying that was --

22 THE WITNESS: That was dismissed.
23 It was thrown out. I wasn't -- when I went to
24 court for my jury trial, they just threw it out.

25 MS. WEBB: So you were not guilty.

1 THE WITNESS: I were not -- I was
2 not guilty, no, ma'am.

3 MS. CURTIS: And your DUI, you said
4 that you had the treatment program. Are you still
5 in that program?

6 THE WITNESS: I never obtained a
7 DUI. I have -- on my record it shows DUS, and in
8 parenthesis it says "not related to DUI."

9 MS. CURTIS: Okay.

10 THE WITNESS: So, yes, ma'am, I have
11 that. The only reason I was sentenced to drug and
12 alcohol treatment was for my cocaine charge.

13 MS. CURTIS: Okay.

14 THE WITNESS: Yes, ma'am, I finished
15 everything. In order for me to get out of
16 probation, I had to complete that program, and I
17 completed it with -- I believe my probation was
18 over, like June of last year.

19 MS. THOMPSON: And just to be sure
20 I'm clear, the cocaine charge was the one you
21 referred to that it was your car, but your
22 boyfriend's cocaine.

23 THE WITNESS: Yes, ma'am.

24 MS. THOMPSON: You accepted
25 responsibility of the charge.

1 THE WITNESS: Yes, ma'am.

2 MS. THOMPSON: Okay.

3 MS. CURTIS: Do you have a job lined
4 up?

5 THE WITNESS: I sure do. I'm going
6 to work at a salon called Sharmon Re. Miss Mary
7 Harris Hayes is the owner, and that's where I plan
8 on going to work.

9 MS. THOMPSON: And you've completed
10 the exams? Passed the practical and theory
11 portions of the exam --

12 THE WITNESS: Yes, ma'am.

13 MS. THOMPSON: -- that's correct?
14 Any other questions from the board?

15 (NO RESPONSE.)

16 MS. THOMPSON: Anyone prepared to
17 make a motion?

18 MS. BROWN: Madam Chair, I'd like to
19 make a motion that we approve Ms. Elizabeth Bryant
20 for licensure.

21 MS. THOMPSON: I have a motion. Do
22 I have a second?

23 MS. RODGERS: Second.

24 MS. THOMPSON: I have a motion and a
25 second. Is there any further discussion?

1 (NO RESPONSE.)

2 MS. THOMPSON: Hearing none, all in
3 favor, signify by saying aye.

4 BOARD MEMBERS: Aye.

5 MS. THOMPSON: Opposed? The motion
6 carries.

7 COURT REPORTER: Good luck.

8 THE WITNESS: Thank you.

9 *****

10 MS. THOMPSON: Next on the agenda is
11 Antonio Rivers.

12 COURT REPORTER: We have a
13 misspelling on his name. His name is just like the
14 fellow below, A-N-T-O-N-I-O.

15 MS. THOMPSON: If I could ask the
16 board members just not say anything right now, so
17 that Ciel can give us the correct spelling.

18 COURT REPORTER: Okay. It's A-N-T-
19 O-N-I-O. So the "I" after the "T" is incorrect.
20 Antonio L., or Lamont, Rivers.

21 MS. THOMPSON: I'm not sure what
22 you're looking at, but the way that you read the
23 spelling is how I have it in my paperwork.

24 COURT REPORTER: Okay. On my
25 paperwork, it's got A-N-T-I-O-N-I-O.

1 MS. THOMPSON: Okay. There's no
2 "I" on mine.

3 COURT REPORTER: Okay. That's okay.
4 We've got it correct, though. That's what's
5 important, y'all have got it. If you'll raise your
6 right hand, I'll go ahead and swear you in.

7 (The witness is sworn in.)

8 MS. THOMPSON: This hearing is
9 called to order. This is the matter of Antonio
10 Rivers. Does any member of the board have reason
11 to recuse herself from consideration of this
12 application?

13 BOARD MEMBERS: No.

14 MS. THOMPSON: The purpose of the
15 hearing is to determine whether the applicant
16 should be granted a license as a cosmetologist.
17 Everyone is reminded that these proceedings are
18 being recorded and that all witnesses must be sworn
19 before they testify. All remarks should be
20 directed to the chairman.

21 Mr. Ray, is the complete application packet in
22 our materials?

23 MR. RAY: Yes, ma'am.

24 MS. THOMPSON: And what questions
25 did staff have regarding this application?

1 MR. RAY: The application could not
2 be approved at staff level due to a felony on the
3 criminal background report submitted with the
4 application.

5 MS. THOMPSON: And did staff
6 subpoena any other persons to be here today to
7 answer questions we may have?

8 MR. RAY: No, ma'am.

9 MS. THOMPSON: Mr. Rivers, are you
10 represented by an attorney today?

11 THE WITNESS: No, not today, but I
12 do have an attorney.

13 MS. THOMPSON: Would you prefer to
14 speak with us with your attorney present?

15 THE WITNESS: No. He said that I
16 should be fine with the paperwork he gave me for a
17 dismissal.

18 MS. THOMPSON: Okay. And is there
19 anyone else here that may speak on your behalf
20 today?

21 THE WITNESS: No. Just me.

22 MS. THOMPSON: Okay. That's fine.
23 Are you ready to show us why you should be granted
24 a license, despite the questions that staff raised?

25 THE WITNESS: Yes. I have my two

1 pages of my case dismissals.

2 MS. THOMPSON: I'm going to have to
3 ask you to speak up; I do apologize.

4 THE WITNESS: I have my --

5 MS. THOMPSON: You're so soft-
6 spoken, we're having a hard time hearing you.

7 THE WITNESS: I have my two copies
8 of my case dismissals from my two arrests that I
9 have.

10 MS. THOMPSON: Is that something
11 that you previously submitted to staff?

12 THE WITNESS: Yes.

13 MS. THOMPSON: So we should have
14 that already?

15 THE WITNESS: Yes.

16 MS. THOMPSON: Okay.

17 THE WITNESS: And --

18 MS. THOMPSON: If you would, would
19 you show Mr. Ray the papers that you're referring
20 to, so that he can just give us an idea as to what
21 we're looking for?

22 (The witness complies.)

23 MR. RAY: Do we just need one copy?
24 Or do you want one for every board member?

25 MS. THOMPSON: Is that something

1 that we have already?

2 MR. RAY: No. I don't think so. So
3 how many copies? One of them was faxed over to me;
4 I apologize.

5 MS. THOMPSON: That one, we can see.
6 We can't consider anything that's being presented
7 today. Anything that's been in the office prior to
8 the meeting, per the policy the board implemented
9 months and months and months ago, we will only
10 consider information that's been in this office.
11 However now, anything that was faxed should have
12 been in our packet.

13 MR. RAY: I apologize for that.

14 MS. THOMPSON: And could you just
15 tell me what piece of information we're getting
16 ready to see, so that we know how to proceed when
17 talking to --

18 MR. RAY: This is a letter from
19 Charleston that did say his case was dismissed.
20 But I was trying to research it because it didn't
21 put a case number or any kind of detail, for me to
22 know which one it was.

23 MS. MCCARTHA: Can I see it, Byron,
24 please?

25 MR. RAY: Sure. Shirley just took

1 off to make a copy for you.

2 MS. THOMPSON: So Mr. Rivers, why
3 don't you just go ahead. And we'll get the
4 information in a moment so that we can actually
5 have an intelligent conversation about what you're
6 getting ready to tell us. But just give me a brief
7 overview. Do you have current charges that are
8 valid, charged against you? Or are you prepared to
9 show us information that says everything in this
10 report should not be charged against you?

11 THE WITNESS: Yeah. That everything
12 should not be charged against me.

13 MS. THOMPSON: Should not be.

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: Okay.

16 THE WITNESS: I didn't bring a
17 driver's record.

18 MS. THOMPSON: I'm sorry. You did?
19 Or did not?

20 THE WITNESS: I did not bring a
21 driver's record.

22 MS. THOMPSON: Were you asked to
23 bring one?

24 THE WITNESS: No.

25 MS. THOMPSON: Okay. That shouldn't

1 be an issue. It's not for me, necessarily. So all
2 of the charges that I have here on this report,
3 you're saying none of them --

4 THE WITNESS: Yes, ma'am. Been
5 dismissed.

6 MS. THOMPSON: They're all
7 dismissed.

8 THE WITNESS: Yes.

9 MS. THOMPSON: Okay.

10 MR. RAY: The one Shirley's handing
11 to you is the one I did receive in a fax.

12 MS. THOMPSON: I'm sorry, Byron, I
13 couldn't understand what you were saying.

14 MR. RAY: The one she's handing to
15 you is the one that he had faxed over to me
16 previously.

17 MS. THOMPSON: Okay.

18 MR. RAY: I had the hardest time
19 getting a hold of Ms. Tara or somebody in that
20 office to give me some clarification on, you know,
21 which case it referred to.

22 MS. THOMPSON: Mr. Rivers, I am just
23 a little -- I'm not familiar enough with the system
24 to understand how it is that someone gets charged
25 with the type of crime that you're charged with and

1 the number of situations, and then everything is
2 dismissed. Could you just kind of help me
3 understand that? Could you kind of give me a
4 little bit of information?

5 THE WITNESS: The -- the first
6 situation was my daughter's mother. And what ended
7 up happening with that, I -- well, I wasn't even
8 married to her, but I got -- have -- have been
9 married since the -- the time of my daughter. And
10 so I guess it was a little jealousy going on. So,
11 therefore, these -- the charges were brought
12 against me, but before she died, she went back to
13 the judge and the solicitor and she let them know
14 that she was just jealous of my marriage, and she
15 made it all up. And so that's how everything got
16 dismissed.

17 MS. THOMPSON: Okay. And when you
18 said "the first one," are you referring to 2002?

19 THE WITNESS: Let me look, yeah, I
20 think it's 2002.

21 MS. THOMPSON: 2002. That's the
22 criminal domestic violence? Is that what you're
23 referring to?

24 MS. MCCARTHA: Are you referring to
25 the non-support charge in '07 in Charleston County?

1 THE WITNESS: Now, say a non-support
2 charge. What's -- what's -- what's that one?

3 MS. MCCARTHA: It's on your criminal
4 background check. That's why I asked.

5 MS. THOMPSON: I'm just trying to
6 establish -- you said "the first one." I'm trying
7 to establish what you're referring to as "the first
8 one."

9 THE WITNESS: Okay.

10 MS. THOMPSON: Where did you start?
11 Where did this process?

12 THE WITNESS: I was -- when I got --
13 what I was going by when I got arrested.

14 MS. THOMPSON: What year? Tell me
15 what year you're referring to.

16 THE WITNESS: That was a long time
17 ago. I think it was like almost ten years ago.

18 MS. THOMPSON: So the 2002 date. Do
19 you have your SLED report in front of you?

20 THE WITNESS: No, ma'am.

21 MS. THOMPSON: Byron, do you have a
22 SLED report that you can -- I'm looking at the very
23 first page, at the bottom. Is that what you're
24 referring to as the first one?

25 THE WITNESS: Oh, okay. Okay. The

1 -- oh, the domestic violence?

2 MS. THOMPSON: Uh-huh.

3 THE WITNESS: Okay. That -- okay,
4 yeah, that -- that -- that first one was a argument
5 that I had.

6 MS. THOMPSON: But when you
7 explained to us about the mother of your child --

8 THE WITNESS: Yeah, that's --

9 MS. THOMPSON: -- being jealous that
10 you were married, is that the incident that you
11 were referring to?

12 THE WITNESS: No. That's the one
13 with the -- the paper that I faxed over. The Case
14 No. --

15 MS. THOMPSON: Okay. That's what
16 Sarah -- okay. We want to help you, and I know
17 that this is -- it's personal and I know that you
18 get nervous. But I really need you to focus here
19 and help me understand. In your mind, when you say
20 "the first one," give me an idea of what year
21 you're talking about, or what particular charge, so
22 that I know where to follow you on this report.

23 THE WITNESS: Okay. Well, this --
24 this first one, that's the violence charge. I
25 guess in 2002, I was -- I was arrested. And then I

1 was sentenced to some anger management classes.
2 And wasn't able to complete my anger management
3 class due to finance. So then I had to do the 30
4 days in jail because every time you went to the
5 classes, you had to pay, and I didn't have the
6 finance.

7 MS. THOMPSON: So would you do me a
8 favors and since you now have a copy in front of
9 you of your SLED report, would you look over that
10 and tell me which of these charges are covered
11 under this piece of paper that you faxed to Mr.
12 Ray. Because I understand now exactly what Mr. Ray
13 was saying, it doesn't specify, and you said
14 previously that all of these charges should have
15 been dropped.

16 THE WITNESS: (Inaudible.)

17 MS. THOMPSON: Right. And I don't
18 mean to imply that you intentionally mislead us,
19 but I just want you to be clear as to what we're
20 looking at and help us understand exactly which
21 ones have been dropped.

22 THE WITNESS: This one. The 2010.

23 MS. THOMPSON: That one's been
24 dropped?

25 THE WITNESS: It's -- it's just a

1 lot of days. It's confusing. Yeah, I got 2010
2 wrong. From looking at this, 2010. But you
3 said --

4 MS. THOMPSON: Okay. Do you have
5 the SLED report in front of you?

6 THE WITNESS: Yeah, I have it right
7 here.

8 MS. THOMPSON: All right. Let's
9 start. The first thing I'm looking at is a charge,
10 I'm going toward the bottom of the page, there's
11 the broken line, the dotted line about three-
12 quarters of the way down. And it's got the date
13 1999 there. And a little below that, it says
14 "August 6th, 2002." Are you with me? Byron, would
15 you point that out to him, please, sir?

16 MR. RAY: "Stop for blue light"; is
17 that the one you're looking at?

18 MS. THOMPSON: No. I'm below that.

19 MR. RAY: Below that one?

20 MS. THOMPSON: Uh-huh. It's the
21 next one, August 6th, 2002. Misdemeanor, arrest
22 charge, criminal domestic violence.

23 THE WITNESS: Yes. Okay.

24 MS. THOMPSON: Was that that
25 charge valid, legit, stuck to it; you served time

1 for that. Is that what you told me? That's the
2 anger management --

3 THE WITNESS: Yes.

4 MS. THOMPSON: -- that you couldn't
5 afford.

6 THE WITNESS: Yeah. Can't afford it
7 and I had to go for 30 days. Yes, ma'am.

8 MS. THOMPSON: All right. That one
9 was ten years ago, so we're going to move on. All
10 right. But I just want us to be on the same page
11 here. Next page, Page 2, top of the page:
12 Convicted, 30 days; that's the punishment for the
13 crime on the previous page; that's correct?

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: Okay. Moving on
16 down, August 5th, 2003, failure to appear. What is
17 that?

18 THE WITNESS: Child support?

19 MS. THOMPSON: It just says "failure
20 to appear." Did you no-show for a court
21 appearance?

22 THE WITNESS: I think I -- if I
23 didn't show, I must have gone to the court or --

24 MS. THOMPSON: But is that one that
25 stuck? was legit? Not one that was supposed to

1 have been dismissed?

2 THE WITNESS: Yeah, this stuck.

3 Yeah, this was -- it was paid in full.

4 MS. THOMPSON: So then the next one,
5 careless operation of motor vehicle. It says "paid
6 in full." That's connected to that 2003 date,
7 correct?

8 THE WITNESS: Yes, ma'am.

9 MS. THOMPSON: Okay. Moving on
10 down. June 27th, 2007, non-support.

11 THE WITNESS: Yes, ma'am. That was
12 the child support.

13 MS. THOMPSON: Right. And that one
14 is valid.

15 THE WITNESS: Yes, ma'am. Because I
16 did maybe six hours in jail, because I didn't have
17 the court costs. I had the -- I paid -- it was
18 \$1500 worth of child support. I didn't have --
19 because I kept asking what was the court fees and
20 they said they can't tell me till the day of. So I
21 was \$70 short, so I had to go to jail for --

22 MS. THOMPSON: And so those
23 charges are not related to the charges where you
24 were telling us that the mother of your child was
25 just jealous, and then she then withdrew her

1 statement --

2 THE WITNESS: Yeah.

3 MS. THOMPSON: -- later on down the
4 road. Okay.

5 THE WITNESS: Yeah.

6 MS. THOMPSON: All right. So now,
7 the next one. We're looking at offense date, it
8 says May the 1st of 2008.

9 THE WITNESS: Uh-huh.

10 MS. THOMPSON: And this is the
11 felony.

12 THE WITNESS: Okay.

13 MS. THOMPSON: All right? That's
14 the one I need to know about. Is that one that is
15 valid? Or is that one that is supposed to be
16 dismissed?

17 THE WITNESS: Dismissed. But you
18 said that you couldn't take that information from
19 me, from my lawyer today because --

20 MS. THOMPSON: This letter that was
21 faxed, what was it referring to? Which charges
22 that we just went through was this letter referring
23 to?

24 THE WITNESS: That's -- that's in
25 connection to the -- that first domestic violence

1 one.

2 MS. THOMPSON: From 2002?

3 THE WITNESS: Yes.

4 MS. THOMPSON: The very first one?

5 THE WITNESS: Yes, with my
6 daughter's mother.

7 MS. THOMPSON: Okay. Other than the
8 information that you brought with you today, is
9 there anything else that you would like to explain
10 to us? Or are there any other questions from the
11 board for Mr. Rivers? And then at that point, I'm
12 going to request that the board consider making a
13 motion for executive session for legal advice. But
14 before that, we need to have asked all the
15 questions that we would like to ask, okay?

16 Mr. Rivers, is there anything else that you'd
17 like to explain to us?

18 THE WITNESS: Yes. I -- I've been
19 put in a couple of bad situations. I'm married now
20 seven years. I have two kids. I went to
21 cosmetology school to try to get a second chance at
22 life. And I -- like I said, I'm -- I'm only human
23 and I -- like I said, I fall short a couple of
24 times. And I -- I've -- everything, like on this
25 record I've been punished for, or I had to pay

1 money or whatever.

2 But like I said, I'm a changed person now.
3 And that's why I went to school, to try to, you
4 know, start a new -- and even though some of these
5 charges have been dropped and have been paid, seem
6 like the jobs just won't hire you just because of
7 the simple fact that I got arrested, or what I got
8 arrested for. It doesn't matter whether I was
9 guilty or innocent. They just look at the simple
10 fact that I got arrested and just don't want to
11 know the rest of the outcome and they just
12 automatically, like what this thing says, "felony."
13 But like I don't understand if I never got
14 convicted guilty, how is it still a felony on me.
15 Because beyond me, I just don't understand. And I
16 -- I'm just -- I'm just trying to deal with it all.

17 And I just would appreciate if y'all
18 could take it into y'all consideration. This is
19 like a -- a new start for me. You know, a start
20 over for life. I mean, everything -- everything is
21 -- is just hanging, you know, on your call. My --
22 my marriage, my situation with my kids, my -- my
23 future job; I have a future job lined up with
24 Carolina Color and Cuts. And, I mean, everything
25 is just basically -- my whole life is in your hands

1 right now.

2 MS. THOMPSON: We understand that,
3 and we're sympathetic to your situation. And just
4 to be clear, the information that you brought with
5 you today, we can't see it at this point, but am I
6 to understand that you're saying that the
7 information you have with you disputes or dismisses
8 the last felony charge that's on your record?

9 THE WITNESS: Yes. Yes, ma'am.
10 My -- my lawyer told me to bring it.

11 MS. THOMPSON: That's fine. Are
12 there any other questions from the board at this
13 time, before we go into executive session?

14 MS. WEBB: Yes. How did you get
15 this felony charge? How did this happen?

16 THE WITNESS: I made another bad
17 decision. It's a ex-girlfriend of mine back from
18 high school and she came to me with the notion of
19 her daughter potentially being my daughter. So me,
20 behind my wife's back -- my wife's back there --
21 and I went to try to build a relationship with this
22 child from over, might be 12/13 years, back from
23 high school.

24 And in -- in the midst of all of that -- this
25 is how I got caught up in this because, like I

1 said, her mother was a ex-girlfriend of mine. So I
2 guess by the time spending with the young girl and
3 being there I guess around her sometime, she
4 thought maybe that we could rekindle what we used
5 to have. And then when I told her that I wasn't
6 going to leave my wife, then this is when these
7 charges came, so --

8 MS. THOMPSON: And so this is not
9 the same child that you were referring to in these
10 earlier charges.

11 THE WITNESS: No, no.

12 MS. THOMPSON: Okay. So this is an
13 ex-girlfriend who says that you were the father of
14 her child.

15 THE WITNESS: Yes, ma'am.

16 MS. THOMPSON: Did you ever
17 establish, were you or weren't you the father of
18 that child?

19 THE WITNESS: No, they -- they --

20 MS. THOMPSON: You were not.

21 THE WITNESS: At -- at court, they
22 refused to take -- take the test. I give them all
23 my information and everything.

24 MS. THOMPSON: Okay. So this is not
25 your child that these accusations are around.

1 Okay.

2 THE WITNESS: Yes.

3 MS. THOMPSON: Okay.

4 THE WITNESS: But to answer her
5 question, that's why I was in --

6 MS. THOMPSON: That's how you got --

7 THE WITNESS: -- the picture.

8 MS. THOMPSON: -- in that situation.

9 THE WITNESS: Yes. Because

10 MS. WEBB: Thank you.

11 THE WITNESS: Yes.

12 MS. THOMPSON: Hearing none, does
13 anyone have any other questions, I'll entertain a
14 motion from the board to enter executive session to
15 garner legal advice.

16 MS. RODGERS: Make the motion.

17 MS. BROWN: I second it.

18 MS. THOMPSON: Okay. I have a
19 motion and a second. Any further discussion?

20 (NO RESPONSE.)

21 MS. THOMPSON: Hearing none, all in
22 favor, signify by saying aye.

23 BOARD MEMBERS: Aye.

24 MS. THOMPSON: Opposed? The motion
25 carries. We're going to ask that the room be

1 cleared. We're going to enter executive session
2 with our legal counsel and then we will reconvene
3 in just a few minutes.

4 (Executive Session.)

5 MS. THOMPSON: I'll entertain a
6 motion to leave the executive session.

7 MS. RODGERS: I'll make a motion to
8 leave and enter. Make a motion to leave executive
9 session.

10 MS. WEBB: Second.

11 MS. THOMPSON: Motion and a second.
12 Any further discussion?

13 (NO RESPONSE.)

14 MS. THOMPSON: Hearing none, all in
15 favor, signify by saying aye.

16 BOARD MEMBERS: Aye.

17 MS. THOMPSON: Opposed? Motion
18 carries. And for the record, there were no motions
19 made or votes taken during executive session. Mr.
20 Rivers, if you would come forward again, please.

21 (The witness complies.)

22 MS. THOMPSON: And please just
23 remember at this point that you are under oath,
24 okay? At this time, is there a board member
25 prepared to make a motion in the case of Mr.

1 Rivers?

2 MS. NYE: Yes. I would like to make
3 a motion to approve Mr. Rivers' application,
4 conditioned on Mr. Rivers submitted a SLED report
5 at his own expense six months from the effective
6 date of this order, so that's approximately
7 December of this year. Then you will submit a SLED
8 report at the one year mark, and then at the two
9 year mark. So that's a total of two years of
10 probation, and that's a total of three SLED reports
11 that you must provide to the board. If a new
12 conviction shows at any of these SLED reports, then
13 you will be administratively suspended.

14 MS. THOMPSON: I have a motion. Do
15 I have a second?

16 MS. RODGERS: Second.

17 MS. THOMPSON: I have a motion and a
18 second. Is there any further discussion?

19 (NO RESPONSE.)

20 MS. THOMPSON: Hearing none, all in
21 favor, signify by saying aye.

22 BOARD MEMBERS: Aye.

23 MS. THOMPSON: Opposed? The motion
24 carries.

25 MS. RODGERS: Mr. Rivers, you

1 understand when she's talking about a probation
2 report, that that's not like a probation that
3 you've been on in the past. It's just for us to
4 know that nothing else has happened with you within
5 those periods. And that's why we want you to do
6 that. And then after that, you're free, unless
7 something else comes up and it comes back before
8 the board. But I just wanted you to understand,
9 it's not like you're on a probation period with the
10 law or anything. It's just for us to know that
11 you're staying clean.

12 THE WITNESS: So that's for December
13 and then --

14 MS. THOMPSON: Approximately.
15 You're going to receive something in the mail
16 officially from LLR explaining all of this to you.
17 But just for you, so that you can kind of get it in
18 your head what's going to be expected of you,
19 approximately December is when you need to be
20 looking and thinking about submitting another SLED
21 report into LLR, okay?

22 THE WITNESS: That's -- that's no
23 problem.

24 MS. THOMPSON: Okay. The decision
25 we announced today expresses only the basic element

1 of our ruling in this case. Counsel or staff for
2 the board will prepare a document which more fully
3 expresses the conclusions in the appropriate
4 language and format which the board has
5 traditionally used. The final written decision
6 must be approved by the board and signed by the
7 chairman of the board, and that will be the final
8 order. Okay? Thank you, Mr. Rivers.

9 THE WITNESS: Can I say something?

10 MS. THOMPSON: Your case has been
11 decided already, but if you'd like to say something
12 briefly.

13 THE WITNESS: All right. I -- I
14 just wanted to thank y'all again for giving me this
15 opportunity. Just wanted to thank you to y'all
16 face-to-face.

17 MS. THOMPSON: You're very welcome.

18 THE WITNESS: And y'all just don't
19 know how much this mean to me.

20 MS. THOMPSON: You can make a lot of
21 money. You can thank us by going out in the
22 industry and increasing your business and --

23 THE WITNESS: Oh, yes, ma'am.

24 MS. THOMPSON: -- stay out of
25 trouble.

1 THE WITNESS: Yes, ma'am.

2 MS. THOMPSON: Very good.

3 *****

4

5

6 MS. THOMPSON: Next on the agenda is
7 Antonio Duncan.

8 COURT REPORTER: How do you have it
9 spelled on this one, y'all?

10 MS. THOMPSON: I have the same as
11 the other, A-N-T-O-N-I-O.

12 COURT REPORTER: Okay. This is the
13 one that's going to be A-N-T-I-O-N-I-O.

14 MS. THOMPSON: How do you say that?

15 THE WITNESS: Antonio. The first I
16 is silent.

17 MS. THOMPSON: Okay.

18 COURT REPORTER: And it expires in
19 2016.

20 (The witness is sworn in.)

21 MS. THOMPSON: This hearing is
22 called to order. This is the matter of Antionio
23 Duncan. Does any board member have reason to
24 recuse herself from consideration of this
25 application?

1 BOARD MEMBERS: No.

2 MS. THOMPSON: The purpose of the
3 hearing is to determine whether the applicant
4 should be granted a license as a cosmetologist.
5 Everyone is reminded the proceedings are being
6 recorded and that all witnesses must be sworn
7 before they testify. All remarks should be
8 directed to the chairman.

9 Mr. Ray, is the complete application packet in
10 our materials?

11 MR. RAY: Yes, ma'am.

12 MS. THOMPSON: And what questions
13 did staff have concerning the application?

14 MR. RAY: The application couldn't
15 be approved at staff level due to items on the
16 criminal background report.

17 MS. THOMPSON: Did staff subpoena
18 anyone to be here today?

19 MR. RAY: No, ma'am.

20 MS. THOMPSON: The applicant is
21 present. Are you represented by a lawyer today?

22 THE WITNESS: No, ma'am.

23 MS. THOMPSON: Do you want a lawyer
24 today?

25 THE WITNESS: No, ma'am.

1 MS. THOMPSON: Are you prepared to
2 offer us testimony as to why we should grant
3 licensure?

4 THE WITNESS: Yes, ma'am.

5 MS. THOMPSON: Okay. Let's hear it.

6 THE WITNESS: The only felony that I
7 do have, I think, was in 2004. It was assault on a
8 officer. It had some other charge, (inaudible)
9 communicate and threats and something else. I
10 think larceny or something. It was in December, if
11 I'm not mistaken.

12 MS. THOMPSON: Okay. So there's one
13 felony; the others are misdemeanors.

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: You were convicted of
16 the felony --

17 THE WITNESS: Yes, ma'am.

18 MS. THOMPSON: -- in 2004?

19 THE WITNESS: I pled guilty, yes,
20 ma'am.

21 MS. THOMPSON: You pled guilty.

22 THE WITNESS: Yes, ma'am.

23 MS. THOMPSON: And then you were
24 punished?

25 HE WITNESS: Yes, ma'am.

1 MS. THOMPSON: What was your
2 punishment?

3 THE WITNESS: Six months probation.
4 I end up going to serving time those last three
5 months, I think, from June to September.

6 MS. THOMPSON: You ended up serving
7 time at the end?

8 THE WITNESS: Yes, ma'am.

9 MS. THOMPSON: Was there a probation
10 violation?

11 THE WITNESS: Yes, ma'am.

12 MS. THOMPSON: Okay. So you got in
13 trouble, and then you got in trouble while you were
14 on probation.

15 THE WITNESS: Yes, ma'am.

16 MS. THOMPSON: All right. So there
17 seems to be a little bit of a pattern here with
18 disorderly conduct.

19 THE WITNESS: Yes, ma'am.

20 MS. THOMPSON: You want to explain
21 that to me?

22 THE WITNESS: Which one -- what year
23 is the first?

24 MS. THOMPSON: 2004.

25 THE WITNESS: Okay. That one was --

1 MS. THOMPSON: Or actually, first
2 one was 2003, but I'm going after the felony of
3 2004.

4 THE WITNESS: Okay. What was the
5 next disorderly conduct?

6 MS. THOMPSON: I'm sorry?

7 THE WITNESS: What was the next
8 disorderly conduct after 2004?

9 MS. THOMPSON: 2005.

10 THE WITNESS: I don't remember that
11 one.

12 (Off-the-record discussion.)

13 MS. MCCARTHA: That may be based on
14 the 2004 arrest.

15 MS. THOMPSON: I'm just going by
16 what staff had prepared so nicely. They did a good
17 job; it's all nice and neat.

18 THE WITNESS: 2005 -- I think
19 that was involved -- the disorderly conduct 2004 --

20 MS. MCCARTHA: It was a 12/30/2004
21 arrest.

22 MS. THOMPSON: For what?

23 THE WITNESS: I was accused of
24 taking money and I was told that I was caught on
25 camera. So I said, "If I'm caught on camera, I

1 have the right to see it." And I was told I can
2 see it in court. So I was like, "I have nothing
3 else to talk about." Then I turned away and walked
4 off from the officer. And he got a attitude. And
5 when he got loud, I got loud. And it just
6 escalated. I didn't physically assault him; I
7 verbally assaulted him, but --

8 MS. THOMPSON: Okay. Now we'll move
9 on down. Let's move to 2010.

10 THE WITNESS: It was a misdemeanor.
11 Didn't have nothing else to do, really, basically.

12 MS. THOMPSON: Now, I'm a little
13 concerned about it. And I understand that --
14 again, this is not in an effort to embarrass you at
15 all.

16 THE WITNESS: I'm fine.

17 MS. THOMPSON: But you have to
18 understand that when we approve licensure for you,
19 that you're coming in contact with the public.

20 THE WITNESS: Yes, ma'am.

21 MS. THOMPSON: And when we have this
22 type of history -- and honestly, I'm not sure if
23 I'm sensing an air of confidence in you, or it's a
24 little bit of not being concerned; I'm not sure
25 which.

1 THE WITNESS: No, ma'am. I just
2 think that there's no need to be embarrassed,
3 because I did it.

4 MS. THOMPSON: What I want to know
5 is are you going to do it again?

6 THE WITNESS: No, ma'am. I haven't
7 been --

8 MS. THOMPSON: How do I know that?

9 THE WITNESS: I haven't been in any
10 trouble since then.

11 MS. THOMPSON: 2010's kind of
12 recent.

13 THE WITNESS: I know, but that's two
14 years ago.

15 MS. THOMPSON: Tell me what's
16 happened. What's changed about you that you're not
17 -- I can be sure you're not going to do it again.

18 THE WITNESS: I'm at a different
19 place. I was just -- then I didn't care. I care
20 now.

21 MS. THOMPSON: What made you care?

22 THE WITNESS: I had to change. A
23 whole lot of stuff. I lost my father. It's just a
24 lot of stuff, and mainly grow up, basically.

25 MS. THOMPSON: Okay. Tell me about

1 the shoplifting charge. I mean, you were just
2 bored?

3 THE WITNESS: I -- I purchased some
4 things, but some things I couldn't afford, so I
5 took it.

6 MS. THOMPSON: You know that's
7 wrong, right?

8 THE WITNESS: Yes, ma'am.

9 MS. THOMPSON: Okay. And you served
10 time for that?

11 THE WITNESS: Yes, ma'am.

12 MS. THOMPSON: And paid restitution?

13 THE WITNESS: No, ma'am. I didn't
14 have to do restitution; I just did time.

15 MS. THOMPSON: Okay. You've taken
16 the exam?

17 THE WITNESS: Yes, ma'am.

18 MS. THOMPSON: Do you have a job
19 waiting for you?

20 THE WITNESS: Yes, ma'am.

21 MS. THOMPSON: Board members?

22 MS. CURTIS: What did you shoplift?
23 because I notice that there is a big fine there
24 attached to it. What did you shoplift?

25 THE WITNESS: They said I took a lot

1 of things that they saw me put in my bag, but I put
2 the majority of the stuff back. What I end up with
3 was like some clothes and basically clothes.
4 That's what I ended up with coming out the store
5 with.

6 MS. CURTIS: Clothes.

7 THE WITNESS: I had DVDs and jewelry
8 and a whole bunch of stuff in my bag, but --

9 MS. CURTIS: Okay.

10 MS. THOMPSON: But you said that
11 particular day, you purchased some items that day?

12 THE WITNESS: Yes, ma'am.

13 MS. THOMPSON: As well as you
14 stole --

15 THE WITNESS: Yes, ma'am. I had
16 purchased food that day.

17 MS. CURTIS: You purchased food?

18 THE WITNESS: Yes, ma'am.

19 Groceries.

20 MS. CURTIS: Groceries. And
21 clothes, you --

22 THE WITNESS: Yes, ma'am.

23 MS. CURTIS: -- took.

24 THE WITNESS: Yes, ma'am.

25 MS. THOMPSON: Okay. Just for

1 clarification, legally, he says that they accused
2 him of stealing a lot more, but he put them in the
3 purse and then put them back. Can the fact that --
4 even if they have it on camera and he put it in the
5 purse, is that considered against -- can they
6 charge you with that? If they've seen it, even if
7 you put it back? Or do you actually have to leave
8 the building?

9 MS. MCCARTHA: Honestly, I've never
10 done this type of -- but in any case, that's what
11 they -- it looks like you -- I'm guessing that you
12 -- they told you you could either pay this money or
13 do 30 days, and you chose to do 30 days.

14 THE WITNESS: Yes, ma'am.

15 MS. MCCARTHA: Okay.

16 MS. THOMPSON: Okay. Do you know,
17 were they charging you with the items that you put
18 back, when it was all said and done?

19 THE WITNESS: No, ma'am. They
20 didn't charge me with everything.

21 MS. THOMPSON: Okay.

22 THE WITNESS: They just did a
23 receipt of everything.

24 MS. THOMPSON: Including the items
25 you put back? Or just the ones you actually were

1 trying to leave with?

2 THE WITNESS: The ones I put -- the
3 ones I put back too, but they couldn't go by that.

4 MS. MCCARTHA: Do you know if your
5 fine had like your court costs in it?

6 THE WITNESS: It did.

7 MS. MCCARTHA: It did? So that
8 would be up to half of it.

9 MS. THOMPSON: Okay. And you said
10 you do have a job waiting on you.

11 THE WITNESS: Yes, ma'am.

12 MS. THOMPSON: And they're aware of
13 your record.

14 THE WITNESS: Yes, ma'am.

15 MS. WEBB: Where are working?

16 THE WITNESS: (Inaudible) Beautiful.

17 MS. WEBB: That's where?

18 THE WITNESS: Ma'am, where am I
19 working now?

20 MS. WEBB: Where is that at?

21 THE WITNESS: Lancaster, South
22 Carolina.

23 MS. THOMPSON: And there are no --
24 there no other charges since this report that we
25 have here.

1 THE WITNESS: No, ma'am.

2 MS. THOMPSON: Are there going to be
3 anymore?

4 THE WITNESS: No, ma'am.

5 MS. THOMPSON: Okay. Are there any
6 other questions? Is there anything else that you
7 would like to say to us before we consider a
8 motion? No?

9 MS. WEBB: Madam Chair, I make a
10 motion to approve licensing, but also for a two
11 year probation, so that we can see -- what am I
12 trying to say? -- your SLED report at year one, but
13 two years, year intervals.

14 MS. THOMPSON: Ms. Webb, if I may
15 try and help you simplify it.

16 MS. WEBB: Yes.

17 MS. THOMPSON: Are you saying that
18 you'd like to make a motion to approve licensure --

19 MS. WEBB: Right.

20 MS. THOMPSON: -- with a two year
21 probationary period attached, with a SLED report
22 submitted at the end of each year at --

23 MS. WEBB: His own expense.

24 MS. THOMPSON: -- Mr. Duncan's own
25 expense?

1 MS. WEBB: Uh-huh.

2 MS. THOMPSON: Okay. Is that what
3 you're saying?

4 MS. WEBB: Yes, ma'am, that is.

5 MS. THOMPSON: I have a motion on
6 the table. Do I have a second to that motion?

7 MS. RODGERS: Second.

8 MS. BROWN: Second.

9 MS. THOMPSON: I have a motion and a
10 second. Is there any further discussion?

11 (NO RESPONSE.)

12 MS. THOMPSON: Hearing none, all in
13 favor, signify by saying aye.

14 BOARD MEMBERS: Aye.

15 MS. THOMPSON: Opposed? And the
16 motion carries. The decision we announced today
17 expresses only the basic element of our ruling in
18 this case. Counsel or staff for the board will
19 prepare a document which more fully expresses the
20 conclusions in the appropriate language and format
21 which the board has traditionally used. The final
22 written decision must be approved and signed by the
23 chairman and that will be the final order in this
24 matter. Okay?

25 THE WITNESS: Yes, ma'am.

1 MS. THOMPSON: Thank you.

2 THE WITNESS: Thank you.

3 *****

4 MS. THOMPSON: Next, Mattie Thompson
5 Leigh-Poole.

6 (The witness is sworn in.)

7 MS. THOMPSON: This hearing is
8 called to order. This is the matter of Mattie
9 Thompson Leigh-Poole. Does any member of the board
10 have reason to recuse herself from consideration of
11 this application?

12 BOARD MEMBERS: No.

13 MS. THOMPSON: The purpose of the
14 hearing is to determine whether the applicant
15 should be granted a license as a cosmetologist.
16 Everyone is reminded that these proceedings are
17 being recorded and that all witnesses must be sworn
18 before they testify. All remarks should be
19 directed to the chairman.

20 Mr. Ray, is the complete application packet in
21 our materials?

22 MR. RAY: Yes, ma'am.

23 MS. THOMPSON: I'm sorry?

24 MR. RAY: Yes, ma'am.

25 MS. THOMPSON: Okay. And what

1 questions did staff have concerning this
2 application?

3 MR. RAY: This application couldn't
4 be approved because of a felony on the criminal
5 background report submitted with the application.

6 MS. THOMPSON: Did staff subpoena
7 any other persons to be here today to answer
8 questions?

9 MR. RAY: No, ma'am.

10 MS. THOMPSON: The applicant is
11 present.

12 THE WITNESS: Yes, ma'am.

13 MS. THOMPSON: And if you would,
14 state your name for the record, please.

15 THE WITNESS: Mattie Leigh Thompson
16 Poole.

17 MS. THOMPSON: Mattie Leigh Thompson
18 Poole.

19 THE WITNESS: Yes, ma'am. Leigh is
20 not on my birth certificate, but it's not --

21 MS. WEBB: It is.

22 THE WITNESS: It is on the birth
23 certificate?

24 MS. THOMPSON: Is it hyphenated?
25 You're Mattie Leigh? Or you're just Mattie?

1 THE WITNESS: Just Mattie.

2 MS. THOMPSON: But your last,
3 Thompson-Poole.

4 THE WITNESS: Thompson-Poole.

5 MS. THOMPSON: We just need to make
6 sure we have correct on the records. So what
7 should I call you?

8 THE WITNESS: Just call me Mattie.

9 MS. THOMPSON: Okay. Do you have an
10 attorney with you today?

11 THE WITNESS: No.

12 MS. THOMPSON: Do you want an
13 attorney with you today?

14 THE WITNESS: No.

15 MS. THOMPSON: Is there anyone else
16 here that's going to be speaking on your behalf at
17 all today?

18 THE WITNESS: No.

19 MS. THOMPSON: Okay. So tell me
20 what you would like to share with us as to why we
21 should grant licensure, even though staff had
22 questions about your application.

23 THE WITNESS: I graduated in '08.
24 And shortly after that, my 19th birthday, I got
25 locked up, July 2nd, three days before my birthday.

1 I was charged with conspiracy and lynching. I was
2 also tried to be charged with strong armed robbery
3 and common law robbery, which were dismissed.

4 MS. THOMPSON: Okay. Tell me about
5 the events you were charged with lynching. Tell me
6 what was happening with --

7 THE WITNESS: It was more than a
8 three people fight.

9 MS. THOMPSON: Okay. Were you at
10 school? Were you at a --

11 THE WITNESS: It -- it was on the
12 beach.

13 MS. THOMPSON: On the beach.

14 THE WITNESS: It was -- yeah, it was
15 right outside a bar.

16 MS. THOMPSON: Okay. And so the
17 lynching charge is more than three people involved
18 in a fight; is that --

19 THE WITNESS: Yes.

20 MS. THOMPSON: -- what you said?
21 Okay. Was everyone charged? Or just you?

22 THE WITNESS: Yes.

23 MS. THOMPSON: Everyone was charged.
24 All right. I'm sorry. Keep going.

25 THE WITNESS: After it was done, I

1 actually split it up and I took the boy to the
2 hospital. I dropped him off. And I've had to pay
3 for it a lot, so --

4 MS. THOMPSON: Were those all -- you
5 were involved and a boy that you took to the
6 hospital. The third person was male or female?

7 THE WITNESS: They were all male.

8 MS. THOMPSON: All male. And you
9 were the only girl.

10 THE WITNESS: It was -- it was a
11 jealousy thing.

12 MS. THOMPSON: Okay.

13 THE WITNESS: I was living with my
14 boyfriend at the time.

15 MS. THOMPSON: Okay.

16 THE WITNESS: And the other guy was
17 texting my phone, so --

18 MS. THOMPSON: And I understand this
19 is personal. You just take your time. Take your
20 breath if you need to. Try and relax. We're not
21 trying to make you re-hash --

22 THE WITNESS: I'm sweating.

23 MS. THOMPSON: Me to, it is because
24 it's hot in here. They won't listen to me. So
25 just relax, okay? We don't want you to re-hash

1 this for any other reason than we just need to kind
2 of understand in order -- the same thing applies to
3 you as I've said previously. This is a matter of
4 public safety, and we just need to be certain that
5 if you're granted licensure, that it's going to be
6 okay for your clients. Okay?

7 All right. So you were charged and then what
8 happened? Did you have to serve time? Tell me
9 what happened.

10 THE WITNESS: No. I served two
11 weeks. I spent my -- my 19th birthday in jail. I
12 have apologized to the boy since then because it
13 was, I guess, cooked up for a long time, been
14 coming for a long time.

15 MS. THOMPSON: I'm not sure I quite
16 understand what you mean.

17 THE WITNESS: It was -- it -- it --
18 it had been coming for a long time, the fight had.

19 MS. THOMPSON: Okay. So there
20 was --

21 THE WITNESS: And I could have
22 hindered it from happening.

23 MS. THOMPSON: Okay. All right. So
24 you knew that there was going to be a conflict or
25 could be a --

1 THE WITNESS: I just didn't know it
2 was going to be that bad.

3 MS. THOMPSON: You didn't know it
4 was going to be that bad and you didn't do anything
5 to stop it.

6 THE WITNESS: I got in the middle of
7 it.

8 MS. THOMPSON: Okay. All right. So
9 that was the lynching charge. And then you said
10 something about strong armed robbery, they wanted
11 to --

12 THE WITNESS: Yeah.

13 MS. THOMPSON: -- try and tie with
14 that. How did that --

15 THE WITNESS: They were trying to
16 tie with that because one of the guy -- the guy
17 that got lynched was saying that there was a gun
18 involved, which there was not. There -- there's
19 not a gun involved. Everyone has testified that
20 there was not a gun involved, and that's why it was
21 dismissed.

22 MS. THOMPSON: Okay. All right.
23 I'm assuming that everything we've been talking
24 about so far was July 2009.

25 THE WITNESS: Yes.

1 MS. THOMPSON: Okay. Now let's move
2 on to October of 2010.

3 THE WITNESS: Yeah.

4 MS. THOMPSON: What is this about?

5 THE WITNESS: That's when it was --
6 that's when it was verified that I was going to be
7 charged with lynching and -- and -- and conspiracy.
8 The other two would be dismissed. That's when it
9 was all finalized.

10 MS. THOMPSON: Okay.

11 THE WITNESS: And after that, I
12 actually ran out of the gas on the side of 22, had
13 been partying with a bunch of friends. And they
14 found a coconut rum bottle on the side of the road
15 and they charged me with that also.

16 MS. THOMPSON: Was it yours?

17 THE WITNESS: Yes, it was.

18 MS. THOMPSON: Okay.

19 THE WITNESS: And they charged me
20 with open container, and they also found less than
21 10 grams of marijuana on me, and charged me with
22 simple possession.

23 MS. THOMPSON: Okay. And what kind
24 of punishment was assessed for that?

25 THE WITNESS: I had to pay a fine

1 and got taken to jail, and that was it.

2 MS. POOLE: Serve any time for that?

3 THE WITNESS: No.

4 MS. POOLE: Any days? No.

5 MS. THOMPSON: You did not serve any
6 time for that?

7 THE WITNESS: No, ma'am.

8 MS. THOMPSON: And so the fine,
9 basically, was your punishment?

10 THE WITNESS: Yes, ma'am.

11 MS. THOMPSON: Any probation?

12 THE WITNESS: I've been on probation
13 for -- since 2010, basically since 2009. My -- my
14 probation officer has wrote a letter; I don't know
15 if y'all have it in there or not.

16 MS. THOMPSON: Says your probation
17 will conclude October 2012?

18 THE WITNESS: Yes.

19 MS. THOMPSON: That's correct?

20 THE WITNESS: Which is coming up
21 soon. And I have passed all my drug tests and
22 that's the only other trouble that I've gotten in
23 since that -- since that incident in '09.

24 MS. THOMPSON: And the boyfriend
25 that was involved in all the fights, that's still

1 your boyfriend?

2 THE WITNESS: No.

3 MS. THOMPSON: Either of them?

4 THE WITNESS: No.

5 MS. THOMPSON: Either of the boys
6 involved? The friends that you were partying with
7 in these later charges, you still partying with
8 them?

9 THE WITNESS: No.

10 MS. THOMPSON: You passed all the
11 exams --

12 THE WITNESS: Yes.

13 MS. THOMPSON: -- for cosmetology?

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: Do you have a job
16 waiting on you?

17 THE WITNESS: I had two lined up,
18 but this has hindered me from getting either one of
19 them.

20 MS. THOMPSON: This, meaning your
21 arrest record?

22 THE WITNESS: Yes.

23 MS. THOMPSON: Okay. But you don't
24 -- currently you don't have a job waiting on you?

25 THE WITNESS: No, ma'am.

1 MS. THOMPSON: Okay.

2 THE WITNESS: But that's not going
3 to stop me from going out and finding one.

4 MS. THOMPSON: Good. Now just help
5 me understand, the 2009 charges were fairly
6 serious. It was around your birthday, significant
7 time. I would have thought that that would have
8 made enough of an impact that the charges in 2010
9 wouldn't have happened. So what I need for you to
10 tell me now is what has happened to you and where
11 you are in your life to make us feel confident that
12 we aren't going to have this again.

13 THE WITNESS: I'm having a baby.

14 MS. THOMPSON: And you think that's
15 going to scare you straight?

16 THE WITNESS: It already has.

17 MS. THOMPSON: As it should. Any
18 other questions from board members? Is there
19 anyone prepared to make a motion?

20 (NO RESPONSE.)

21 MS. THOMPSON: Well, we've got to do
22 something.

23 MS. BROWN: Madam Chair, I would
24 like to make a motion. Based upon what Mattie has
25 said, and also that she has made restitution for

1 her problems here that are listed on her report.
2 But I think that maybe it would be good to maybe
3 stipulate a probationary period, you know, along
4 with my motion I'm trying to say. I would like to
5 approve her for her license with a probationary
6 period of two years.

7 MS. THOMPSON: Okay. I have a
8 motion on the table to approve licensure for
9 Mattie, with a two-year probationary status. Ms.
10 Brown, if I could just -- SLED report at the end of
11 each year at her expense?

12 MS. BROWN: Yes.

13 MS. THOMPSON: Okay. So for
14 clarification, the motion is to approve licensure,
15 two year probation with a SLED report at the end of
16 each year at her own expense. Do I have a second
17 to that motion?

18 MS. WEBB: Second.

19 MS. THOMPSON: I have a motion and a
20 second. Is there any further discussion?

21 (NO RESPONSE.)

22 MS. THOMPSON: Hearing none, all in
23 favor, signify by saying aye.

24 BOARD MEMBERS: Aye.

25 MS. THOMPSON: Opposed? The motion

1 carries. The decision we announced today expresses
2 only the basic element of the ruling in the case.
3 Counsel or staff for the board will prepare a
4 document which more fully expresses the conclusions
5 in the appropriate language and format the board
6 has traditionally used. The final written decision
7 will be approved and signed by the chairman and
8 then will become final order in this matter.

9 THE WITNESS: Is it coming in the
10 mail? My license?

11 MR. RAY: Yes.

12 MS. THOMPSON: Everything will come
13 in the mail, yes.

14 THE WITNESS: Thanks, guys.

15 *****

16 MS. THOMPSON: Next on the agenda,
17 Jessica Lloyd.

18 (The witness is sworn in.)

19 MS. THOMPSON: This hearing is
20 called to order. This is the matter of Jessica
21 Lloyd. Does any member of the board have reason to
22 recuse herself from consideration of this
23 application?

24 BOARD MEMBERS: No.

25 MS. THOMPSON: The purpose of this

1 hearing is to determine whether the applicant
2 should be granted a license as a cosmetologist.
3 Everyone is reminded that these proceedings are
4 being recorded and that all witnesses must be sworn
5 before they testify. All remarks should be
6 directed to the chairman.

7 Mr. Ray, is the complete application packet in
8 our materials?

9 MR. RAY: Yes, ma'am.

10 MS. THOMPSON: And what questions
11 did staff have concerning the application?

12 MR. RAY: The application couldn't
13 be approved at staff level due to felonies on the
14 criminal background report.

15 MS. THOMPSON: Did staff subpoena
16 any other persons to be here today to answer
17 questions we may have?

18 MR. RAY: No, ma'am.

19 MS. THOMPSON: And the applicant's
20 present?

21 THE WITNESS: Yes, ma'am.

22 MS. THOMPSON: Ms. Lloyd, do you
23 have an attorney with you today?

24 THE WITNESS: No.

25 MS. THOMPSON: Would you like an

1 attorney?

2 THE WITNESS: No, thanks.

3 MS. THOMPSON: Is there anyone else
4 here that will be speaking on your behalf?

5 THE WITNESS: No, ma'am, just me.

6 MS. THOMPSON: Okay. And did Ciel
7 swear you in? Thank you. Okay. So we have here
8 an arrest record. What can you tell us about this?

9 THE WITNESS: Well, it happened when
10 I was young. I was 17. I was like a week out of
11 high school. And I got a possession charge. And I
12 served four months in jail. My mom wanted me to
13 learn a lesson, so she just left me in there. And
14 I served my time. We'll, I didn't really have
15 time. I was supposed to wait until I went to
16 court. But I made an agreement with my public
17 defender that if I went out -- like if I got out of
18 jail, I would complete rehab. And after completing
19 rehab, I would be free to just stay out until I
20 went to court. And so I successfully completed
21 rehab.

22 I went to college. I didn't complete that
23 because it was not what I wanted to do. And I
24 finally went to court in '09 and I got time served.
25 And I have been out of trouble since then. I think

1 I went in one other time for a shoplifting charge.
2 But other than that, I have not been in any
3 trouble. I've completed cosmetology school, taken
4 my tests and just been better. I grew up.

5 MS. THOMPSON: On the record, I
6 don't want you to say your actual entire address,
7 but do you live in Summerville? or Sumter? Where
8 are you living?

9 THE WITNESS: Oh, I actually called
10 in like two weeks ago and changed my address. But
11 it's in Charleston now.

12 MS. THOMPSON: Oh, so it's not even
13 anything I have written there.

14 THE WITNESS: No.

15 MS. THOMPSON: Okay.

16 THE WITNESS: I emailed it in.

17 MS. THOMPSON: You might want to
18 make sure before you leave today that you have in
19 person spoken with someone, that they have your
20 correct address, okay, just to make sure that
21 there's no confusion or any delay in the process.

22 THE WITNESS: Okay.

23 MS. THOMPSON: Have you been in any
24 drug programs?

25 THE WITNESS: Yes, ma'am. I went to

1 Orangeburg for rehab. It was the McCord Center.

2 It was an adolescent rehab

3 MS. WEBB: That was in two
4 thousand and --

5 THE WITNESS: Seven. I had just
6 turned 18 in October and I got out in the middle.
7 And I went from October till right before December.

8 MS. THOMPSON: And there are no
9 other arrests from when this report was taken till
10 now.

11 THE WITNESS: No, that's it.

12 MS. THOMPSON: You've successfully
13 completed both exams?

14 THE WITNESS: Yes, ma'am.

15 MS. THOMPSON: Do you have a job
16 waiting on you?

17 THE WITNESS: Well, I didn't want to
18 get too ahead of myself --

19 MS. THOMPSON: Right.

20 THE WITNESS: -- in case you guys
21 didn't approve me. So I've been looking and I know
22 there's a lot around, but I haven't actually set
23 anything up because I wanted to see what happened
24 here first.

25 MS. THOMPSON: Okay. Board members?

1 MS. RODGERS: Are you on any type of
2 probation now?

3 THE WITNESS: No, ma'am. I just got
4 time served.

5 MS. RODGERS: And that's it.

6 THE WITNESS: That's it. I think my
7 license got suspended for a year and I didn't have
8 a car, so it didn't really matter. But no
9 probationary.

10 MS. RODGERS: So you don't have a
11 driver's license?

12 THE WITNESS: Oh, I do now.

13 MS. RODGERS: You do now. Okay.

14 THE WITNESS: That was almost like
15 five years ago, four years ago.

16 MS. RODGERS: I wanted to make a
17 motion to approve. I'm going to say with a year
18 probation and you submit a SLED report to the
19 board, or to LLR at your expense.

20 THE WITNESS: Okay.

21 MS. THOMPSON: I have a motion to
22 approve with a year probation, with a SLED report
23 at the end of the year at the applicant's expense.
24 Do I have a second?

25 MS. BROWN: I'll second.

1 MS. THOMPSON: I have a motion and a
2 second. Is there any further discussion?

3 (NO RESPONSE.)

4 MS. THOMPSON: Hearing none, all in
5 favor, signify by saying aye.

6 BOARD MEMBERS: Aye.

7 MS. THOMPSON: Opposed? The motion
8 carries. The decision we announced today expresses
9 only the basic element of our ruling in this case.
10 Counsel or staff for the board will prepare a
11 document which more fully expresses our conclusions
12 in the appropriate language and format which the
13 board has traditionally used. The final written
14 decision must be approved and signed by the
15 chairman and that will be the final order in the
16 matter.

17 THE WITNESS: Thank you so much.

18 MS. THOMPSON: Be sure to make sure
19 that they have your correct address before you
20 leave this building, okay?

21 THE WITNESS: Thank you.

22 MS. THOMPSON: Thank you.

23 *****

24 MS. THOMPSON: Scottie Simmons, he's
25 been removed from the agenda. So that brings us to

1 Item f, but there's question as to whether or not
2 this applicant is here. F, approval for
3 examination, Ms. Marcial. You said you were
4 unsure.

5 MR. RAY: That was the one I tried
6 to get a hold of Friday and this morning. All I
7 could do is leave messages.

8 MS. THOMPSON: Okay.

9 (Off-the-record discussion.)

10 MS. THOMPSON: So this one should
11 have been removed from the agenda. So now next on
12 the agenda is lunch break.

13 MS. MCCARTHA: What time are we
14 reconvening?

15 MS. THOMPSON: Well, look here, we
16 are right on time, just about five minutes. So we
17 are going to reconvene at 1:50 instead of 1:45.

18 (Lunch break.)

19 MS. THOMPSON: Like to call the
20 meeting back to order. We are to "Approval to
21 teach methods of teaching," Bahiyah Ladson. I
22 apologize if I butchered your name.

23 THE WITNESS: That is correct.

24 MS. THOMPSON: I did it correct?
25 Really? Wow. Good. All right. Ms. Ladson, we

1 have here on the agenda that you are seeking
2 approval to teach the "Methods of Teaching Course."

3 THE WITNESS: Yes.

4 MS. THOMPSON: And I'm looking at
5 your letter and it's looking as if you've asked for
6 consideration in the past and were denied; is that
7 correct?

8 THE WITNESS: No.

9 MS. THOMPSON: No. Maybe I'm trying
10 to mix up your information with somebody else.
11 Okay. So this is your first time trying to obtain
12 approval to teach "The Methods."

13 THE WITNESS: Correct.

14 MS. THOMPSON: Okay. I've read your
15 resume. What we're looking for is if you don't
16 have a master's degree in education, then the board
17 has said an expertise in a cognitive or related
18 field, which our translation or interpretation of
19 that has been teaching others how to teach. I see
20 that you've got lots of experience here in the
21 classroom with students and things like that. But
22 unless I'm overlooking something, I don't see any
23 training that you've received on how to teach
24 others how to become teachers. Have I overlooked
25 that?

1 THE WITNESS: No.

2 MS. THOMPSON: Okay. It's pretty
3 clear-cut. You either have to have the masters or
4 you have to prove expertise in teaching others how
5 to teach, one or the other. At this particular
6 time, if you don't fit into either of those
7 categories, then there's really not a lot we could
8 do, other than encourage you to potentially maybe
9 start heading down that route and taking some
10 classes on teaching others how to teach, and then,
11 you know, come back.

12 THE WITNESS: Okay. So teaching
13 others how to teach, is it like doing -- as being
14 an instructor, like doing the teacher training
15 program.

16 MS. THOMPSON: Well, I mean, we
17 don't necessarily specify which course you have to
18 take. But it can't just be -- like I'm an
19 instructor, and it can't just be being in a
20 classroom, instructing potential licensees. You
21 need --

22 THE WITNESS: Right.

23 MS. THOMPSON: -- to be taught the
24 basics and the principles and teaching methods
25 yourself, and experience under your belt and

1 expertise in teaching a teacher how to be a good
2 teacher.

3 THE WITNESS: Right. Teaching --
4 I'm sorry. I think I just said the course wrong.
5 Just like teach -- okay, I'm a teacher, I'm an
6 instructor. So when the -- when the students come
7 in after they've been -- well, actually, after
8 they've been -- after a cosmetology comes in to
9 become a teacher, then they go through the program
10 of the teacher training.

11 MS. THOMPSON: Right.

12 THE WITNESS: So --

13 MS. THOMPSON: And I understand what
14 you're saying. Yes, that can be a part of it. But
15 just teaching that particular course alone might
16 not necessarily prove expertise in that field.

17 THE WITNESS: Okay. What would
18 be --

19 MS. THOMPSON: It's not within the
20 board's jurisdiction to tell you specifically a
21 course or a class.

22 THE WITNESS: Okay.

23 MS. THOMPSON: You just have to --
24 whatever it is you take, has to convince the board
25 that you've proven expertise in that field.

1 THE WITNESS: Okay.

2 MS. THOMPSON: There is really no
3 set guideline, other than, you know, it has to be
4 specific for teaching others how to teach, and it
5 has to be considered what -- to be an expertise in
6 that area.

7 THE WITNESS: Okay.

8 MS. THOMPSON: Does that --

9 THE WITNESS: Kind of, sort of, but
10 I guess I have to research a little bit.

11 MS. THOMPSON: It's really, I mean,
12 it's going to be about time. It's going to be
13 about investing time in actually doing that, taking
14 those courses. And like I said, we can't endorse a
15 particular course. There's many out there.

16 THE WITNESS: Okay.

17 MS. THOMPSON: But taking enough --
18 it can't just be a one-course deal and then want to
19 be considered an expert. Does that kind of help?

20 THE WITNESS: Uh-huh.

21 MS. THOMPSON: Okay. So at this
22 time, I'll entertain a motion from the board
23 regarding Ms. Ladson's application. Not
24 application necessarily; her request.

25 MS. RODGERS: I have to make a

1 motion to deny.

2 MS. THOMPSON: I have a motion. Do
3 I have a second?

4 MS. CURTIS: Second.

5 MS. THOMPSON: Motion and a second.
6 Any further discussion?

7 (NO RESPONSE.)

8 MS. THOMPSON: Hearing none, all in
9 favor, signify by saying aye.

10 BOARD MEMBERS: Aye.

11 MS. THOMPSON: Opposed? And the
12 motion carries. Thank you.

13 *****

14 MS. THOMPSON: Next on the agenda,
15 Shelba McLaughlin. Ma'am, if you would present
16 identification, please, to Ciel, our court
17 reporter, and then be sworn in.

18 THE WITNESS: My name has changed
19 since then.

20 COURT REPORTER: Okay. No problem.

21 THE WITNESS: I have to bring my
22 divorce decree.

23 COURT REPORTER: You had to what?

24 THE WITNESS: They told me I had to
25 send my divorce decree, a copy of my divorce

1 decree, to get my license name changed.

2 COURT REPORTER: Okay. No problem.

3 If you'll raise your right hand.

4 (The witness is sworn in.)

5 MS. THOMPSON: What is your full
6 name?

7 THE WITNESS: My legal name now is
8 Shelba Jane Green. I went back to my maiden name
9 about two and a half years ago. And it was after I
10 got my license, and they told me that I would have
11 to send in my divorce decree in order to change it
12 for the following -- for the new year that's coming
13 up.

14 COURT REPORTER: What was your last
15 name? I didn't hear what you said, Shelba G. what?

16 THE WITNESS: My -- my name on my
17 license is McLaughlin.

18 COURT REPORTER: But what did you
19 just tell me?

20 THE WITNESS: My name is Shelba
21 Green. My last name is Green, as in the color.

22 COURT REPORTER: Okay. So that's
23 your legal name now?

24 THE WITNESS: Yes, ma'am.

25 MS. THOMPSON: So, Ms. Green, it

1 looks as if here, that an order was entered into
2 between you and LLR, the board, back in March of
3 2010. And upon receiving the SLED report, there's
4 additional charges; is that correct?

5 THE WITNESS: Yes, ma'am.

6 MS. THOMPSON: Okay. Could you
7 explain that to me?

8 THE WITNESS: Yes, ma'am. Back in
9 August of last year, a -- a real good friend of
10 mine was arrested and went to jail. And I did not
11 know he had gone to jail. And when he got out, he
12 had contacted me and asked me if I could get him
13 some marijuana. And I told him that I couldn't,
14 but I knew somebody who could. And so I pretty
15 much set it up for him, not realizing that he was
16 wired. And he came into my house and he purchased
17 marijuana from another individual, not me. But
18 when -- he was wired, like I said, and the police
19 came in with a warrant and arrested me for
20 possession, for distribution of marijuana. That
21 charge was reduced down to a criminal conspiracy.
22 I went to court and I'm ordered to probation.

23 I was also charged with simple possession and
24 possession of paraphernalia, which I was found not
25 guilty on and it's supposed to be expunged from my

1 record. I have this from the state. I have my
2 probation, my probation. And I also have two
3 letters here that I would like y'all to read. One
4 is from my general manager and one is from my
5 manager. I've been employed with the company that
6 I work for for almost two years now. And to be
7 honest with you, I just got caught up in a bad
8 situation. You know --

9 MS. THOMPSON: So --

10 THE WITNESS: -- I am

11 MS. THOMPSON: -- when you were
12 originally seeking licensure, you came before the
13 board previously because of some charges on your
14 arrest record; is that correct?

15 THE WITNESS: Yes, ma'am.

16 MS. THOMPSON: And then you were put
17 on probation for your cosmetology license --

18 THE WITNESS: Yes, ma'am.

19 MS. THOMPSON: -- by the board.
20 Those charges that caused a probation status to be
21 placed on your license, are those the ones from
22 2001 and prior to that? Or do they encompass the
23 2009 charges as well?

24 THE WITNESS: They just only
25 encompass the 2009 --

1 MS. THOMPSON: Just 2009.

2 THE WITNESS: Just the 2009 charges.

3 MS. THOMPSON: So 2009, you had
4 those charges.

5 THE WITNESS: Yes, ma'am.

6 MS. THOMPSON: We put you on
7 probation. And then now the most recent charges
8 are 2011.

9 THE WITNESS: Yes, ma'am.

10 MS. THOMPSON: Okay.

11 THE WITNESS: And to be honest --

12 MS. THOMPSON: And tell me the
13 difference between the circumstances surrounding
14 2009 and 2011, because both involve drugs.

15 THE WITNESS: Yes, ma'am. And the
16 last situation that happened, I pretty much just --
17 I took the rap for somebody else that's very close
18 to me, a family member -- very close to me, and I
19 didn't want to see their young life get ruined.
20 And so I took the charge, and I told them it was
21 mine. And because like I said, this person's very
22 close to me.

23 MS. THOMPSON: This was the --
24 you're talking about the most recent charges?

25 THE WITNESS: Yes, ma'am.

1 MS. THOMPSON: Okay. I thought you
2 just said that someone wanted to buy drugs and you
3 said you didn't have any, but you knew where to get
4 some, and then they were wired. How did that --

5 THE WITNESS: Okay.

6 MS. THOMPSON: -- go into you taking
7 the rap for somebody else?

8 THE WITNESS: Because somebody else
9 got it for him. I did not get it for him. I mean,
10 I -- I had family members that -- that still smoke
11 marijuana.

12 MS. THOMPSON: In your house?

13 THE WITNESS: Well, my -- no, he
14 moved out about three weeks ago. My apartment
15 complex wouldn't even renew my lease unless I had
16 him move out of my home because of things that were
17 going on. And he has no charges on his record, and
18 I just couldn't see, you know, his life getting
19 ruined by this.

20 MS. THOMPSON: I'm sorry?

21 THE WITNESS: I couldn't see him
22 getting caught up into the legal issues that come
23 along with this because I've been caught up in this
24 for years, and your criminal record is something
25 that follows you everywhere you go, no matter if

1 you do your time, no matter if you --

2 MS. THOMPSON: Right. That's why
3 I'm a little concerned as to why you would want to
4 add to yours, when you understood the difficulties
5 involved with having a criminal record, why you
6 would want --

7 THE WITNESS: Because this -- this
8 young man did not have a criminal record. This is
9 my son, and I could not see my son going to jail.

10 MS. WEBB: Ms. Green, but you also
11 knew that you were under probation with us,
12 correct?

13 THE WITNESS: Ma'am?

14 MS. WEBB: You knew that you were
15 under --

16 THE WITNESS: Yes, ma'am. I knew I
17 was on probation.

18 MS. WEBB: -- under a probationary
19 period with us.

20 THE WITNESS: Yes, ma'am. I knew
21 that. But this was my son. I mean, I have the
22 papers from the court, if y'all would like to see
23 them.

24 MS. THOMPSON: No, ma'am. No,
25 ma'am. We can only consider what's here in front

1 of us now.

2 THE WITNESS: Okay. But they said
3 that I could bring in any court-related documents
4 and my letter, to show what's happened, because two
5 of those charges, I was found not guilty on, and
6 they were dropped, and they're supposed to be
7 expunged from my record. And the other one was
8 pled down to a criminal conspiracy. It wasn't a
9 drug charge. It was taken down to a criminal
10 conspiracy.

11 MS. THOMPSON: Okay. Couple of the
12 charges were gone, but there's still a couple that
13 remain intact.

14 THE WITNESS: No, ma'am. I've gone
15 to court for everything. I was found not guilty on
16 the simple possession, possession of paraphernalia.
17 It was pled down to a criminal conspiracy on the
18 possession for distribution. And I am court
19 ordered to two years probation.

20 MS. THOMPSON: All right. So there
21 was a charge that stuck.

22 THE WITNESS: Yes, ma'am. I was
23 convicted of one, yes, ma'am.

24 MS. THOMPSON: Okay. That's what we
25 need to consider is the fact that there are

1 additional charges that stuck --

2 THE WITNESS: Yes, ma'am.

3 MS. THOMPSON: -- even though you
4 were on probation with us.

5 THE WITNESS: Yes, ma'am.

6 MS. CURTIS: Madam Chair, I'd like
7 to make a recommendation, a motion. I'd like to
8 make a motion that her license actually be -- that
9 we deny, based on the fact that she was on
10 probation with us, and she knew that, and the order
11 states that she would -- well, she knows what her
12 order stated, but her license would be suspended.

13 MS. RODGERS: I second that.

14 MS. THOMPSON: We have a motion and
15 a second on the floor. But what I would like,
16 actually, is that we enter into executive session
17 for legal advice. So if I could actually --

18 MS. CURTIS: Withdraw my motion.

19 MS. THOMPSON: -- ask you if you
20 will withdraw your motion. And then if I could
21 entertain a motion to enter executive session.

22 MS. WEBB: I make a motion to enter
23 executive session.

24 MS. THOMPSON: I have a motion. Do
25 I have a second?

1 MS. NYE: Second.

2 MS. THOMPSON: Motion and a second.

3 Any further discussion?

4 (NO RESPONSE.)

5 MS. THOMPSON: Hearing none, all in
6 favor, signify by saying aye.

7 BOARD MEMBERS: Aye.

8 MS. THOMPSON: Opposed? Motion
9 carries. If we could clear the room, please, we're
10 going to enter executive session and we'll be right
11 back.

12 (Executive Session.)

13 MS. WEBB: I make a motion to come
14 out of executive session.

15 MS. RODGERS: Second.

16 MS. THOMPSON: I have a motion and a
17 second to come out of executive session. Any
18 further discussion?

19 (NO RESPONSE.)

20 MS. THOMPSON: Hearing none, all in
21 favor, signify by saying aye.

22 BOARD MEMBERS: Aye.

23 MS. THOMPSON: Opposed? Motion
24 carries. For the record, there were no motions
25 made or votes taken during executive session. At

1 this time, is the board prepared to enter a motion
2 as to the disposition of Ms. Green and her issue
3 with licensure?

4 MS. CURTIS: Yes, Madam Chair. I'd
5 like to make a motion to suspend until further
6 notices Ms. McLaughlin's license.

7 MS. RODGERS: I second.

8 MS. THOMPSON: I have a motion and a
9 second to suspend the license until further action.
10 Is there any -- is there a second? You said
11 second. Is there any further discussion?

12 (NO RESPONSE.)

13 MS. THOMPSON: Hearing none, all in
14 favor, signify by saying aye.

15 BOARD MEMBERS: Aye.

16 MS. THOMPSON: Opposed? The motion
17 carries.

18 THE WITNESS: Okay. Can you explain
19 that to me, please?

20 MS. THOMPSON: Byron and the staff
21 will explain that to you. Basically, the board has
22 decided to put your license on suspension until we
23 can check into some things a little further and
24 give you the opportunity to present the paperwork
25 that you have. They'll explain to you what needs

1 to happen.

2 *****

3 MS. THOMPSON: All right. Next on
4 the agenda is "Approval for changes for con ed
5 classes," Chesley Phillips, Nails, Skin and Hair.

6 MS. THOMPSON: Chesley, we've got
7 here --

8 THE WITNESS: My first change, No.
9 1.

10 MS. THOMPSON: And you're adding a
11 class? You're adding a date?

12 THE WITNESS: I am.

13 MS. THOMPSON: But it's a
14 previously-approved location?

15 THE WITNESS: Previously-approved
16 location, previously-approved instructor,
17 previously-approved monitor and previously-approved
18 lesson plan and agenda.

19 MS. THOMPSON: Improved? or
20 approved? Both?

21 THE WITNESS: Approved.

22 MS. THOMPSON: Okay. And according
23 to the date here on, I guess this is an email, it
24 is in compliance with the 45-day prior.

25 THE WITNESS: I just had too many

1 people that I had to turn away at our last class.
2 And I told them that this was the date that I was
3 going to propose another class at the same
4 location, same lesson plans, same agenda, same
5 instructor, same monitor.

6 MS. THOMPSON: Okay. So it meets
7 all the requirements that we've set forth in order
8 to make these type of changes?

9 MS. WEBB: Madam Chair, I make a
10 motion to approve Ms. Phillips change with her
11 school.

12 MS. THOMPSON: Would you just specify
13 for the record what the changes, so we can have it
14 in the minutes.

15 MS. WEBB: Yes. She's adding a nail
16 class --

17 MS. THOMPSON: Sunday, June the 3rd.

18 MS. WEBB: -- on Sunday, June the
19 3rd at the Hampton Inn in Aiken.

20 MS. RODGERS: Second.

21 MS. THOMPSON: A motion and a second
22 to approve. Any further discussion?

23 (NO RESPONSE.)

24 MS. THOMPSON: Hearing none, all in
25 favor, signify by saying aye.

1 BOARD MEMBERS: Aye.

2 MS. THOMPSON: Opposed? Motion
3 carries. Thank you, ma'am.

4 THE WITNESS: Can I ask one
5 question?

6 MS. THOMPSON: Uh-huh.

7 THE WITNESS: I know that the amount
8 of changes that we have had has been up in the air
9 as to how many we could have.

10 MS. THOMPSON: Five.

11 THE WITNESS: Okay. Is it five?

12 MS. THOMPSON: Five.

13 THE WITNESS: So I've got four left.

14 MS. THOMPSON: If that was your
15 first, and I'll have to go back through my stuff.

16 THE WITNESS: That was my first.

17 MS. THOMPSON: If that was your
18 first, then you have four left. But you can't do
19 them today because that wasn't on the agenda.

20 THE WITNESS: I don't want them on
21 today. I just wanted to make sure that I knew
22 exactly how many I had.

23 MS. THOMPSON: All con ed providers
24 have five. We made that determination at the
25 November --

1 THE WITNESS: I knew it had changed
2 a couple of times, so I wanted to make sure that I
3 had the last date.

4 MS. THOMPSON: You got it.

5 THE WITNESS: Thank you.

6 MS. THOMPSON: You're welcome.

7 *****

8 MS. THOMPSON: Next on the agenda
9 Ms. Howard. If you will present your I.D. to Ciel,
10 please, and be sworn in.

11 THE WITNESS: I spoke with someone
12 earlier. I didn't bring my I.D. I have my license
13 and I have a picture I.D. from my bank. But I
14 don't actually have my license with me.

15 MS. THOMPSON: You don't have
16 anything that's a government-issued --

17 THE WITNESS: I have my picture to
18 my Bank of America card and my cosmo, the little
19 one.

20 COURT REPORTER: Your picture's on
21 here.

22 THE WITNESS: Yeah, my picture's on
23 there with my name on my bank card.

24 MS. THOMPSON: You have one I.D.
25 with you that has your picture on it, and then you

1 have your cosmetology license. What --

2 THE WITNESS: What happened was I --

3 MS. THOMPSON: Do you have anything
4 else with you --

5 THE WITNESS: No, ma'am.

6 MS. THOMPSON: -- as further proof
7 of identification? Those are the only two things
8 you have with you?

9 THE WITNESS: I have my credit
10 cards. What happened was I switched purposes --

11 MS. THOMPSON: Okay. I don't need
12 to know all that. And I don't mean to be
13 disrespectful at all, but, honestly, that's kind of
14 irrelevant. It's going to be the discretion of the
15 board. We have always required it be a government-
16 issued photo I.D., although we do have it within
17 our discretion that we can opt to accept other
18 forms of identification if it's the pleasure of the
19 board. We'll have to make that determination
20 before we can move forward. So I'll need to know
21 what the board members think.

22 MS. RODGERS: I'm okay with it.

23 MS. BROWN: What she has is a --

24 MS. THOMPSON: She has a Bank of
25 America card with her picture, and then she has her

1 cosmetology license. And she also has a credit
2 card.

3 (Off-the-record discussion.)

4 MS. BROWN: State for South
5 Carolina, an identification card. Would her
6 license count as a --

7 MS. THOMPSON: No. Her -- you mean,
8 when you say license, are you meaning --

9 MS. BROWN: Her South Carolina
10 license.

11 MS. THOMPSON: -- cosmetology? or
12 driving?

13 MS. BROWN: Cosmetology license.

14 MS. THOMPSON: No. That's not
15 considered a government-issued I.D. I mean, it's a
16 state-issued license, but it's not for matter of
17 identification purposes, necessarily.

18 BOARD MEMBER: (Inaudible.)

19 MS. THOMPSON: Right. That's why
20 I said it's within the discretion of the board.
21 If we so chose to accept something else, but it
22 means --

23 MS. RODGERS: Does someone need to
24 make a motion?

25 MS. THOMPSON: I need to know -- I

1 need to know the desire of the board.

2 MS. BROWN: I'd like to maybe make
3 a motion to accept the I.D. that she has with her.

4 MS. RODGERS: I'll second.

5 MS. THOMPSON: Motion and a second.

6 Any further discussion? I would like to ask Selena
7 to consider in your original motion that we
8 required the three forms of identification: Her
9 Bank of America card with picture, her cosmetology
10 license and an additional credit card or something,
11 since it's not government-issued photo, that we
12 actually take it a step further and have all three
13 in consideration.

14 MS. BROWN: All three. That's
15 considered, yes.

16 MS. THOMPSON: Okay.

17 MS. BROWN: Okay.

18 MS. THOMPSON: Is it amendment to
19 your motion?

20 MS. BROWN: Amend that.

21 MS. THOMPSON: Do I have a second to
22 the --

23 MS. RODGERS: Second.

24 MS. THOMPSON: Okay. So I have a
25 motion and a second. Any further discussion?

1 (NO RESPONSE.)

2 MS. THOMPSON: Hearing none, all in
3 favor, signify by saying aye.

4 BOARD MEMBERS: Aye.

5 MS. THOMPSON: Opposed? The motion
6 carries.

7 COURT REPORTER: We do have a Visa,
8 a Bank of America with a picture I.D. We have a
9 Master Card from Orchard Bank and it's a gold one
10 with her name on it. And we have her Cosmetology
11 Board. We do have --

12 MS. RODGERS: All the dates are
13 good? None that's invalid?

14 COURT REPORTER: No, ma'am. They're
15 all good.

16 MS. WEBB: They are good, you said.

17 COURT REPORTER: They are good. Uh-
18 huh.

19 MS. THOMPSON: Ms. Howard, I'll need
20 you to be sworn in, please.

21 (The witness is sworn in.)

22 MS. THOMPSON: This hearing is
23 called to order. This is the matter of Daniela
24 Howard. Does any member of the board have reason
25 to recuse herself from consideration of this

1 application?

2 BOARD MEMBERS: No.

3 MS. THOMPSON: The purpose of this
4 hearing is to determine whether the applicant
5 should be granted a license as a cosmetologist.
6 Just for clarification, is that what's in
7 consideration here? Is her individual cosmetology
8 license? or a salon license?

9 MR. RAY: Just the salon license.

10 MS. THOMPSON: Okay. So then this
11 is incorrect.

12 MR. RAY: It just says salon
13 license. You're talking about on the agenda?

14 MS. THOMPSON: No. 3 on the hearing
15 application script I have in front of me says "The
16 applicant be granted a license as a cosmetologist."

17 MR. RAY: Okay. I'm sorry. I
18 didn't get that particular -- oh, I see it now.
19 I'm sorry.

20 MS. THOMPSON: So this is for salon
21 licensure.

22 MR. RAY: Yes, it's for the salon.

23 MS. THOMPSON: Everyone is reminded
24 that these proceedings are being recorded and that
25 all witnesses must be sworn before they testify.

1 All remarks should be directed to the chairman.

2 Mr. Ray, is the complete application packet in
3 our materials?

4 MR. RAY: Yes, ma'am.

5 MS. THOMPSON: And what questions
6 did staff have concerning the application?

7 MR. RAY: We wouldn't approve of it
8 because the salon lapsed back in 2008.

9 MS. THOMPSON: And did staff
10 subpoena any other persons to be here today to
11 answer questions we may have?

12 MR. RAY: No, ma'am.

13 MS. THOMPSON: And the applicant is
14 present. Ms. Howard, do you have an attorney with
15 you today?

16 THE WITNESS: (Witness shakes head.)

17 MS. THOMPSON: Would you like an
18 attorney?

19 THE WITNESS: (Witness shakes head.)

20 MS. THOMPSON: I need you to speak
21 verbally with your answers.

22 THE WITNESS: Okay.

23 MS. THOMPSON: All right. So you
24 have a salon license that expired in 2008.

25 THE WITNESS: Yes.

1 MS. THOMPSON: But you have an
2 individual cosmetology license that has remained
3 current.

4 THE WITNESS: Yes.

5 MS. THOMPSON: Explain to me what
6 happened.

7 THE WITNESS: I just went through a
8 lot of personal issues and just kind of like -- I
9 didn't forget about it and I wasn't trying to work
10 illegally. But it was just a lot of personal
11 things I was going through.

12 MS. THOMPSON: But you remembered to
13 renew and keep your individual license current.
14 How is it that you could, even through the personal
15 situations, keep your individual license current
16 and not your salon? Do you have employees?

17 THE WITNESS: No.

18 MS. THOMPSON: So it's just you.

19 THE WITNESS: Yes.

20 MS. THOMPSON: Okay. So just help
21 me understand how that you could keep one current,
22 but not the other.

23 THE WITNESS: I really don't have a
24 explanation for that. But, you know, I -- I just
25 went through a -- a whole lot.

1 MS. RODGERS: But you had to have
2 CEU classes to keep your individual license up.
3 But it would have been a lot easier to have renewed
4 your salon license than your individual.

5 THE WITNESS: I guess from me being
6 under a lot of stress, I just -- I was under a
7 whole lot of stress during that time.

8 MS. THOMPSON: We can sympathize
9 with that. Not to belittle your stress because I
10 have no idea what it is, and that's your personal
11 issue, and I understand stress is a tremendous
12 thing and it can cause lots of adversity. However,
13 what we need you to help us understand is why we
14 should issue another salon license when really
15 you're not giving us a whole lot of insofar as an
16 explanation as why you could keep one but not the
17 other, and you chose to keep the one that was a
18 little more difficult to even renew. As Ms.
19 Rodgers said, you had to take classes in order to
20 renew your individual. For your salon, you simply
21 had to fill out a form and pay the fee. So if one
22 was going to lapse due to stress, it would make
23 more sense that it would be the individual license.
24 So help us understand.

25 THE WITNESS: I'm just at a

1 different place in my life right now and, you know,
2 I would keep everything in place this time. It's
3 just that -- I mean, I know you're saying that you
4 understand the stress, but it was -- it was a whole
5 lot and some things I forgot to do, some things I
6 remembered to do. But it was just a lot going on
7 in my life at that time.

8 MS. THOMPSON: When did you
9 initially open your salon?

10 THE WITNESS: About -- about ten
11 years ago.

12 MS. THOMPSON: Okay. And your
13 license remained current all those years up until
14 this particular --

15 THE WITNESS: Well, I had a --

16 MS. THOMPSON: -- incident here?

17 THE WITNESS: -- I had a difficulty
18 with my -- my cosmetology license. That expired; I
19 got that back eventually.

20 MS. THOMPSON: When did that expire?

21 THE WITNESS: That expired before my
22 salon license did.

23 MS. THOMPSON: So you've had a
24 situation where you had a license expire and had to
25 go back through the processes in order to get them

1 current again.

2 THE WITNESS: Uh-huh.

3 MS. THOMPSON: So you were aware of
4 these steps and the processes and what the proper
5 protocol were, and yet you still let your salon
6 license lapse.

7 THE WITNESS: The situation with that
8 was, at one point both of them were lapsed
9 together. That -- getting -- retrieving my
10 cosmetology license wasn't hard for me to do. I
11 was in the process of trying to get my salon
12 license, but I had to come to -- you know, through
13 the courts to get that done. That's why that
14 remained expired.

15 MS. THOMPSON: Because of the
16 length of times. Are you telling me -- how long
17 were your individual license expired?

18 THE WITNESS: I'm not sure. But it
19 wasn't -- it was after my salon license. My salon
20 license had been expired longer than my cosmetology
21 license.

22 MS. THOMPSON: So the licensing
23 period was 2009/2011, and then '11 to '13, right?
24 So --

25 THE WITNESS: I just recently got my

1 -- my cosmetology license back, on the 17th of
2 February.

3 MS. THOMPSON: So you did not renew
4 in 2011.

5 THE WITNESS: With my cosmo?

6 MS. THOMPSON: Do we have record of
7 how long the license were lapsed or expired?

8 THE WITNESS: I took my class in
9 2011. I didn't get the license back until 2012.

10 MR. RAY: She's looking at fees and
11 we're not seeing anything for 2011 renewal.

12 MS. THOMPSON: So from the renewal
13 of March 2011 till --

14 MS. WIDER: Her last renewal was
15 2009 and she renewed again in February of this
16 year.

17 MS. THOMPSON: Which is February of
18 '12.

19 MS. WIDER: Yeah, of this year.

20 MS. THOMPSON: Okay. And when did
21 it come to our attention that the salon license was
22 expired?

23 MR. RAY: December 14th of 2011
24 during an inspection.

25 MS. THOMPSON: So that's when we

1 discovered that the salon license was expired.

2 MR. RAY: Yes, ma'am.

3 MS. THOMPSON: And so Ms. Howard,
4 you just said that the reason it's taken so long to
5 get salon license current again was because you had
6 to wait to appear before the board. But we've had
7 a meeting in January and March.

8 THE WITNESS: Well, they told me the
9 classes were full.

10 MS. THOMPSON: Not for salon
11 license. You don't have to take a class for a
12 salon license.

13 THE WITNESS: Oh, no, not the -- not
14 the class, they -- they told me --

15 MS. THOMPSON: I'm talking about
16 your salon license.

17 THE WITNESS: Yeah. I was trying to
18 come to court about the salon license, but they
19 told me that the -- it --

20 MS. THOMPSON: What court are you
21 talking about?

22 THE WITNESS: I'm talking about for
23 my salon license.

24 MS. THOMPSON: I understand that.
25 What court are you talking about?

1 THE WITNESS: This court. Someone
2 on the -- I spoke with someone on the phone and
3 they were like, they couldn't fit me in because
4 they had too many people, and I had to wait --

5 MS. THOMPSON: Do you know who you
6 spoke to?

7 THE WITNESS: I don't know who I
8 spoke -- first I spoke with a man.

9 MS. THOMPSON: When?

10 THE WITNESS: I can't remember the
11 exact dates, but I know I was trying to get into
12 court, and I was informed that it was overcrowded
13 and they would have to fit me in. And even this
14 process, I didn't know if I was going to be able to
15 -- to come to court today.

16 MS. THOMPSON: And I understand what
17 you're saying and, honestly, I want to try and help
18 you. But quite honestly, you're being very vague
19 in everything that I ask you. And I'm not
20 understanding because, the reason being, the last
21 two meetings, we've been here till ten o'clock at
22 night trying to get everyone in. So the fact that
23 you're telling us that someone told you we were too
24 full seems very far-fetched to me, simply because
25 we've had to be here so long to get everyone in.

1 So --

2 THE WITNESS: Ma'am, I -- I would
3 not sit here and --

4 MS. THOMPSON: No, no. I'm not
5 accusing you of not telling me the truth. What I'm
6 telling you is that that's a reason for me
7 struggling in trying to understand what you're
8 telling me.

9 THE WITNESS: I can't remember his
10 name. But I spoke with someone and they told me
11 that it was so many people and, you know, it was --
12 because I -- I mailed my check in about two -- two
13 months ago when I mailed the check in, to be able
14 to come to court.

15 MR. RAY: Madam Chair.

16 MS. THOMPSON: Yes.

17 MR. RAY: I have history notes
18 saying that we had a conversation on March 7th. I
19 wrote down that she called in and didn't know she
20 had to petition the board for reinstatement. We
21 couldn't get her in before the May 2012 meeting.
22 And then she requested to be placed on the agenda
23 at that time.

24 MS. THOMPSON: March the, what was
25 that?

1 MR. RAY: March 7th.

2 MS. THOMPSON: March the 7th. So
3 that was one week prior to the March board meeting.

4 MR. RAY: Correct.

5 MS. THOMPSON: Hence the reason you
6 were told you couldn't appear then, because it was
7 too close to the March date. It had nothing to do
8 with it being too full. So then this is the next
9 scheduled board meeting from then. Could you
10 repeat for me -- and I apologize, I know you've
11 said it, I just did not write it down -- the
12 individual license, which I know is not what we're
13 considering right now, I just need to hear the
14 dates again, from the date that it expired and the
15 date we renewed. I think you said something about
16 2009 to February of 2012, I think is what you said.

17 MS. WIDER: It expired. She
18 renewed it 2009, expired 2011.

19 MS. WEBB: I'm sorry?

20 MS. WIDER: She renewed it online --

21 MR. RAY: After 2009.

22 MS. WIDER: -- 2009, which expired
23 2011.

24 MS. THOMPSON: Okay.

25 MS. WIDER: She reinstated it in

1 February of this year.

2 MS. THOMPSON: Okay. So you
3 reinstated your individual license in February, but
4 then didn't make contact with the board office
5 until March to inquire about your salon license,
6 which had been expired longer than your individual
7 license; is that correct?

8 THE WITNESS: I -- yes. I was
9 unaware that I actually have to come before the
10 board to get my salon license back.

11 MS. THOMPSON: But even still, my
12 point is, I'm trying to figure out why you didn't
13 start the process then, no matter if you understood
14 what the process was, why it wasn't even started
15 until a month after you had completed the process
16 for renewing your individual license. I'm trying
17 to honestly be sympathetic --

18 THE WITNESS: I know.

19 MS. THOMPSON: -- to the stress that
20 you were under. But even still, you've dealt with
21 the stress, you realize license are expired, you
22 start the proper channels to renew your individual.
23 At that point, even if you are bogged down trying
24 to get caught up a week or two, but we're talking a
25 month before you even made contact with LLR to try

1 and even inquire about what to do. And then now
2 we've got two more months that have passed and
3 we're still kind of in limbo. I just am really
4 having a hard time understanding that because we've
5 all dealt with stress. But this is your
6 livelihood. Help me. Help me understand.

7 THE WITNESS: I -- I can't
8 answer why I waited a month with that.

9 MS. THOMPSON: Board members?

10 MS. WEBB: There's nothing you can
11 tell us that will help us understand it then,
12 right?

13 THE WITNESS: I didn't know that I
14 would have -- like with getting my salon license
15 back -- with my cosmetology license back, you have
16 to take your classes to be reinstated. I didn't
17 know I would have to go through this process in
18 order to get my salon license back. That's why it
19 was such a -- it was a gap in-between. I thought
20 maybe it wouldn't -- I wouldn't have to go through
21 the courts and waiting for a court date. That's
22 why it was such a --

23 MS. THOMPSON: The question is,
24 though, why was the lapse in just the inquiry as to
25 what to do? We understand now why you weren't seen

1 in March; that's been explained to us. That we
2 understand. What we don't understand is why it
3 took you a month from the time your individual
4 license were reinstated or renewed to even make
5 contact to find out what to do for your salon
6 license.

7 MS. CURTIS: How did you find out
8 about your continuing ed hours that you had to make
9 up? How did you find out about those?

10 THE WITNESS: I went online and I --

11 MS. CURTIS: Okay. Did it explain
12 to you anything about the salon license there
13 online?

14 THE WITNESS: I didn't -- I didn't
15 go online about the -- I went looking for classes
16 to take for my cosmetology license; that's what I
17 went online looking for. And when I found the
18 class, I paid for the class online, and I went to
19 take the class.

20 MS. CURTIS: Okay. But you didn't
21 look up anything at all about your salon license.

22 THE WITNESS: Well, I was trying to
23 do one thing at a time.

24 MS. CURTIS: But your salon license
25 had already expired long before those others had,

1 so --

2 MS. THOMPSON: In what year did you
3 receive your original cosmetology license? How
4 long have you been individually licensed?

5 THE WITNESS: Since '96.

6 MS. THOMPSON: You've been licensed
7 since '96 and you've kept your continuing education
8 up-to-date?

9 THE WITNESS: Yes.

10 MS. THOMPSON: So how is it that
11 being licensed since 1996 and attending six hours
12 of continuing education a year, that you were so
13 unfamiliar with the renewal process of licensure?

14 THE WITNESS: Well, to be honest, I
15 have someone that schedules all that for me. I
16 really don't have to -- I don't schedule none of
17 that. My mom --

18 MS. THOMPSON: It's not about
19 scheduling; it's about attending --

20 THE WITNESS: Well, I mean I --

21 MS. THOMPSON: -- and listening to
22 what you're being told.

23 THE WITNESS: -- I attend when I'm
24 supposed to attend --

25 MS. THOMPSON: Right.

1 THE WITNESS: But my mom, she takes
2 care all that for me.

3 MS. THOMPSON: No, ma'am. I think
4 you're missing my question. I don't care who
5 schedules it or how you even get to the class.
6 Once you're there, you have to be present in the
7 class. And at every class, they talk about the
8 rules and regulations that govern this industry.
9 They talk about renewals and they talk about who's
10 getting their con ed for renewal this year, who's
11 trying to make up for delinquencies in -- so that's
12 discussed at, I would venture to say, 98 percent of
13 every cosmetology continuing education class in
14 this state. I'm having a hard time understanding
15 that if you've been attending these classes since
16 1996, that you wouldn't be more familiar with this
17 process, even considering the stress, even
18 considering all the extenuating circumstances.

19 Then we take it one step further and, okay,
20 you just didn't know. You weren't up-to-date with
21 it. You realize that one license is expired; you
22 need to do something about it. And then it takes
23 you a whole other month to even start finding out
24 what to do about the second license. None of this
25 makes sense, Ms. Howard. I'm sorry. And I keep

1 asking you to help me understand it, and you're
2 really not offering up anything else. And so I
3 just --

4 THE WITNESS: That's what I'm trying
5 to do, but I think you're having a hard time
6 understanding.

7 MS. THOMPSON: Tell me what you've
8 told me to answer the questions.

9 THE WITNESS: I -- I really can't
10 explain the -- the -- the month in-between. I
11 really can't explain it. I was trying to do one
12 thing at a time. The -- the month in-between,
13 honestly can't --

14 MS. THOMPSON: Okay. Is there any
15 other -- does the board have any other questions
16 for Ms. Howard before I request that we go into
17 executive session for legal counsel?

18 MS. BROWN: So, Ms. Howard, are you
19 working with your cosmetology license?

20 THE WITNESS: No. I'm not doing
21 anything.

22 MS. RODGERS: I'll make a motion to
23 go into executive session.

24 MS. CURTIS: Second.

25 MS. THOMPSON: I have a motion and a

1 second. Is there any further discussion?

2 (NO RESPONSE.)

3 MS. THOMPSON: Hearing none, all in
4 favor, signify by saying aye.

5 BOARD MEMBERS: Aye.

6 MS. THOMPSON: Opposed? The motion
7 carries. Once again, we need to clear the room for
8 executive session.

9 (Executive Session.)

10 MS. WEBB: I make a motion to come
11 out of executive session.

12 MS. THOMPSON: I have a motion to
13 come out of executive session. Do I have a second?

14 MS. CURTIS: Second.

15 MS. THOMPSON: All in favor, signify
16 by saying aye.

17 BOARD MEMBERS: Aye.

18 MS. THOMPSON: Opposed? Motion
19 carries. For the record, there were no motions
20 made or votes taken during executive session. At
21 this time, is there a motion regarding
22 reinstatement of licensure for Salon Amira, Ms.
23 Howard?

24 MS. RODGERS: I make a motion to
25 approve.

1 MS. CURTIS: Second.

2 MS. THOMPSON: I have a motion and a
3 second to approve licensure. Is there any further
4 discussion?

5 (NO RESPONSE.)

6 MS. THOMPSON: Hearing none, all in
7 favor, signify by saying aye.

8 BOARD MEMBERS: Aye.

9 MS. THOMPSON: Opposed? The motion
10 carries. Ms. Howard, the board has decided to
11 grant your salon license back. However, there will
12 be further action coming. I just want you to be
13 aware of that, when you are leaving here today,
14 okay? We're not quite certain exactly what that
15 will be, but I just want you to know that there
16 will be further action.

17 THE WITNESS: Okay.

18 MS. THOMPSON: Okay? Thank you.

19 THE WITNESS: Okay. Thank you so
20 much.

21 *****

22 MS. THOMPSON: Next on the agenda,
23 Asanti White. Byron, do we know anything about
24 Asanti White?

25 MR. RAY: No, ma'am.

1 MS. THOMPSON: Did we send a letter
2 asking for their presence today?

3 MR. RAY: We did.

4 MS. CURTIS: Madam Chair, I make a
5 motion that we deny, based on the fact that she
6 didn't appear today.

7 MS. THOMPSON: Well, actually, there
8 was no --

9 MS. MCCARTHA: Mr. Ray, is this one
10 of the individuals we discussed that did not submit
11 their SLED report --

12 MR. RAY: Yes, ma'am.

13 MS. MCCARTHA: -- as they were
14 supposed to, by the probationary order? May
15 suggest to Janice that she change her motion to one
16 to suspend, pending, and then that person will have
17 to come before the board before they have their
18 license reinstated.

19 MS. CURTIS: I withdraw my first
20 motion. Make a motion to suspend.

21 MS. RODGERS: Second.

22 MS. THOMPSON: I have a motion and a
23 second. Any further discussion?

24 (NO RESPONSE.)

25 MS. THOMPSON: Hearing none, all in

1 favor, signify by saying aye.

2 BOARD MEMBERS: Aye.

3 MS. THOMPSON: Opposed? Motion
4 carries.

5 *****

6 MS. THOMPSON: Melissa Morgan.
7 Melissa Morgan. I'm assuming this is the same
8 scenario.

9 MR. RAY: Yes.

10 MS. MCCARTHA: It is.

11 MS. CURTIS: Motion to suspend.

12 MS. RODGERS: Second.

13 MS. THOMPSON: I have a motion and a
14 second. Any further discussion?

15 (NO RESPONSE.)

16 MS. THOMPSON: Hearing none, all in
17 favor, signify by saying aye.

18 BOARD MEMBERS: Aye.

19 MS. THOMPSON: Opposed? The motion
20 carries.

21 *****

22 MS. THOMPSON: Next on the agenda is
23 approval of CEUs from the Trade Show from Southern
24 Spa in Hickory, North Carolina. Just to bring the
25 new board members up-to-date, this is a trade show

1 that happens in Hickory, North Carolina. Our
2 original submission for all con ed classes in
3 November each year. The only exception to that are
4 these trade shows where their agendas and things
5 are not published in time to do that. However, the
6 way that it's been handled in the past is they send
7 their submission to the board chair, which
8 previously was Rosanne, which they did, not knowing
9 she was no longer the chair. She immediately then
10 sent the package to me.

11 It did come to me with the 14-day time frame.
12 I've been reviewing the packets. What I have here
13 is a copy that I'm going to give to Shirley that
14 outlines each class. I'll ask Sara and Byron if I
15 should read each title of the class for the record,
16 or if I can just submit this packet to Ciel for the
17 record.

18 MS. MCCARTHA: You can submit it.

19 MS. THOMPSON: Okay. Then I'm going
20 to submit this packet. All the classes will be
21 approved with the exception of "History of
22 Esthetics, the Nations First Esthetician." That's
23 really a history class; not necessarily a
24 continuing education class, was my basis for not
25 approving that. The only disclaimer, so to speak,

1 that I want to issue here is that in case I have
2 overlooked something that is product-specific or
3 teaches under the guides of marketing, those will
4 not be approved. I did not see that here, but I'm
5 always wanting just to be certain that I haven't
6 overlooked something.

7 So the total packet will be approved, with the
8 exception of "History of Esthetics." I'd like to
9 request the board to make a motion to approve my
10 recommendation.

11 MS. RODGERS: Make a motion to
12 approve your recommendation.

13 MS. BROWN: I second.

14 MS. THOMPSON: I have a motion and a
15 second. Any further discussion?

16 (NO RESPONSE.)

17 MS. THOMPSON: Hearing none, all in
18 favor, signify by saying aye.

19 BOARD MEMBERS: Aye.

20 MS. THOMPSON: Opposed? Motion
21 carries.

22 *****

23 MS. THOMPSON: Next on the agenda,
24 discussion items. And as far as I know, there
25 weren't any under discussion items. Then that

1 brings us to board member reports. Which of you
2 ladies would prefer to go first?

3 MS. NYE: I guess I'll make my board
4 member report. I monitored the provider Gray and
5 Associates on April 16th, 2012. I monitored their
6 continuing education classes. The class site was
7 at the Margarett Miller Cosmetology Center, which
8 is on Fontaine Road in Columbia, South Carolina.
9 This instructor was Lethonia Barnes and the
10 monitors were Kim DuRant, Elberee Gray and Dianna
11 Gray. The number of students were 20; there were
12 20 students there that day.

13 Registration was held between eight and nine.
14 It was videotaped. The monitors did check the two
15 forms of identification for each student and the
16 registration ran smoothly and the instruction
17 started promptly at 9 a.m. The agenda was posted
18 on all four walls of the classroom, displayed on
19 the overhead projector and was provided to the
20 students in advance. Instruction began at nine and
21 ended at four. There were two 15 minute breaks and
22 a 30 minute lunch break, where lunch was provided
23 for the students. The students had to sign in
24 every time they took a bathroom break, and the
25 monitors were carefully keeping track of every

1 single second of the time.

2 The agenda topics included sanitation,
3 principles of success, trichology, facial shapes,
4 hair cutting. The class was videotaped. The
5 instructor did not mention any or promote any
6 products. The monitors and instructors were
7 professional and friendly and the students were
8 positive. The facility was convenient and easy to
9 find and there was plenty of parking. And I
10 thought they did a very good job for the day. It
11 ran smoothly. Very good class.

12 MS. THOMPSON: Does that conclude
13 your report?

14 MS. NYE: Yes, it does.

15 MS. THOMPSON: Okay. Thank you.
16 Selena, do you have a report?

17 MS. BROWN: No, I don't.

18 MS. THOMPSON: That is perfectly
19 fine. That is no problem. Kathy.

20 MS. WEBB: On April the 23rd, I
21 went, along with George Barr, for the inspection of
22 Pickens Career and Technical School. For some
23 reason or the other, due to when they -- I'm trying
24 to remember when they -- back in '11 was actually
25 when they -- 2010 and 2011 is when they were

1 building. But they had so many different codes and
2 different things from the fire department, blah,
3 blah, blah that they had to cover, that somewhere
4 the other, we were not necessarily swept under the
5 rug, but they forgot about us having to see them
6 and inspect everything, their final inspection. So
7 they do know that there's some altercations that
8 will come along with that. But I did go with him,
9 as I said, and everything's an awesome, awesome
10 facility. They have everything and everything was
11 taken care of extremely well. Also, I do want to
12 mention to y'all -- but anyway, that was all really
13 good.

14 I also want to mention to y'all that our new
15 inspector, Kristen Trowell, she came in the salon
16 the other week and just want to throw this out, and
17 I said, "Well, how has it been?" And I just -- I
18 want to commend her because she is taking care of
19 business. And some people have gone, "Oh, my
20 gosh." She is tough. She is covering everything,
21 and she's doing a phenomenal job. And she had
22 shared that with me, she said "A lot of them think
23 that I'm so, you know, so bad." And I said, "No,
24 you're doing what you're supposed to be doing, and
25 there were a lot of things that a lot of the salons

1 didn't know that they should be doing, even though
2 it may -- and I'm sure is a line on our website.
3 But that's all. But I just wanted to commend her
4 at this time too because she's been doing a
5 phenomenal job.

6 MS. THOMPSON: Thank you. Cindy.

7 MS. RODGERS: No report.

8 MS. THOMPSON: Janice.

9 MS. CURTIS: On April the 23rd, I
10 monitored the South Carolina State's Association,
11 and that class was held at the Salon on Devine.
12 It's located at 2501 Devine Street here in
13 Columbia. Colleen Large was the instructor and
14 Nina Davis, or Nine Davis, was the monitor.
15 Registration was very organized. I.D.s were being
16 checked and sign-ins taken upon arrival and plus
17 upon return from lunch.

18 And Colleen was the approved instructor.
19 Instructor ratio, yes, that was met, and 11 in
20 attendance. Let's see, the class began promptly at
21 nine o'clock, ended at approximately 4:15. No
22 products were mentioned. The class was videoed.
23 The instructor seemed to be very knowledgeable.
24 And I have some additional issues that I would like
25 to discuss with legal counsel, as well as with

1 Byron pertaining to this class.

2 MS. THOMPSON: Okay.

3 MS. CURTIS: That was my monitoring
4 with that. And then on April the 24th, I was
5 listed to monitor the SCPBCA at the Simpsonville
6 Library in Simpsonville, South Carolina. I arrived
7 at the library at approximately 8:30 and was told
8 that the class was actually held on April the 23rd
9 and not April the 24th. And that's my report.

10 MS. THOMPSON: Could you say those
11 dates again for me, please?

12 MS. CURTIS: April the 24th.

13 MS. THOMPSON: And it was SCPBCA?

14 MS. CURTIS: SCB --

15 MS. THOMPSON: SCB. Hold on one
16 second.

17 MS. CURTIS: SCPB.

18 MS. THOMPSON: SCPB.

19 MS. CURTIS: Yes. CASE MANAGER.

20 MS. THOMPSON: And it was -- tell me
21 again the dates that you said?

22 MS. CURTIS: April the 24th, and the
23 class was actually held on April the 23rd.

24 MS. THOMPSON: According to the
25 board website, it's posted the 24th.

1 MS. CURTIS: They said that it was
2 held on the 23rd and that there was no class being
3 held there on the 24th. I even went back at lunch
4 time and no one was --

5 MS. THOMPSON: Could we just verify
6 if there had been anything sent to us requesting a
7 change, that possibly was overlooked, that was my
8 mistake, because I gave Janice her assignments, I
9 wasn't aware that there had been a change. But
10 now, I may have overlooked or not remembered an
11 email or something. Could we verify that before we
12 move, because that's unacceptable.

13 Does that conclude your report?

14 MS. CURTIS: That concludes my
15 report.

16 *****

17 MS. THOMPSON: All right. Moving
18 on, public comment.

19 MS. LARGE: Colleen Large, S.C.
20 Esthetics Association. Just for the record, I just
21 want to clarify that our association is not "South
22 Carolina Esthetics Association," it is "S.C.
23 Esthetics Association."

24 *****

25 MS. THOMPSON: Okay. Any other

1 public comment?

2 MS. LAMB: (Inaudible.)

3 MS. THOMPSON: I'm sorry. You're
4 going to have to come forward. You'll have to
5 state your name for the record and speak so Ciel's
6 able to hear you.

7 MS. LAMB: Thank you. My name is
8 Jane Lamb.

9 COURT REPORTER: What's your last
10 name?

11 MS. LAMB: Lamb, L-A-M-B.

12 COURT REPORTER: Okay.

13 MS. LAMB: I moved here four years
14 ago for my husband's relocation from England. And
15 I've been a legal resident here since 2009, legal
16 permanent resident. I have been a hair
17 professional for over 25 years.

18 MS. THOMPSON: Ma'am, let me just
19 interrupt you just one second. This is the public
20 comment --

21 MS. LAMB: Yes.

22 MS. THOMPSON: -- phase. If you're
23 needing assistance for licensure application or
24 something like that, then you'll have to go through
25 the proper steps and procedure that staff can guide

1 you through.

2 MS. LAMB: Okay.

3 MS. THOMPSON: But essentially, this
4 is just simply where you would advise us of
5 something that's going on, but not necessarily to
6 implement a procedure or a process that possibly
7 should be contained in the board meeting agenda.

8 MS. LAMB: Okay. I want to submit
9 an appeal. This is my first chance to speak to
10 you. I just want to know how to go about that.

11 MS. THOMPSON: And that's something
12 that staff would handle with you.

13 MS. LAMB: Okay.

14 MS. THOMPSON: They can help guide
15 you through the process. But anything that you
16 would need to do regarding an appeal of any kind
17 can't be addressed during public comment.

18 MS. LAMB: Okay.

19 MS. THOMPSON: Okay?

20 MS. LAMB: I spoke with Byron --

21 MS. THOMPSON: Byron Ray is our
22 administrator.

23 MS. LAMB: -- several times on the
24 telephone, and I was wondering --

25 MR. RAY: And she had a unique

1 request and --

2 MS. THOMPSON: Again, it can't be
3 anything that we consider during public comment.
4 It will have to be on the agenda, detailed as to
5 exactly what it is, because public notice has to be
6 placed telling us what's going to be on the agenda.
7 If you've been delayed in this because of confusion
8 or something like that, we can also handle and
9 address that, but it just can't be done right now
10 during this phase of this meeting.

11 MS. LAMB: I was just wondering what
12 are the relevant ways to go about it. I'm actually
13 in hair school at the moment.

14 MS. THOMPSON: We're almost at the
15 end, and so Byron will be free to answer your
16 questions.

17 MS. LAMB: Okay.

18 MS. THOMPSON: If you don't feel --
19 if you're unsure as to the answer, or if he's
20 unable to answer, the board is here. We can help
21 advise. Our counsel is here. We can help advise.
22 One way or another, we can get you an answer today.

23 MS. LAMB: Okay. Thank you very
24 much.

25 *****

1 MR. HORTON: Madam Chair, may we
2 speak?

3 MS. THOMPSON: Yes.

4 MR. HORTON: My name is Chet Horton.
5 I'm the director of the Career Center in Kershaw
6 County in Supplied Technology Education Campus; we
7 say ATEC for short.

8 MS. TEAL: And I'm Rebecca Teal.
9 I'm the instructor for cosmetology at ATEC.

10 MR. HORTON: And we came today, and
11 I don't know if you're going to come back to it
12 because I know Tracy was here and she left. One of
13 the things that you postponed earlier on your
14 agenda was the vocational school's hours. And I
15 heard her say she was going to a meeting. So I
16 didn't know if she was coming back and that was
17 going to be addressed today or not. But we had a
18 few things that had come up in regards to that, and
19 we had taken the day off. I had gotten a sub for
20 her. So she was going to come back and we can
21 address it during that time period or --

22 MS. THOMPSON: I'm not really
23 certain, sir. As far as I was aware, what was
24 posted on the agenda insofar as vocational hours
25 was simply going to be a conversation between staff

1 and the board for clarification purposes. I was
2 not aware, nor was it posted on the agenda that any
3 school in particular was coming, or that asked to
4 be in attendance regarding that. So if that
5 happened, I apologize; we weren't aware of that.

6 I don't know if it's going to happen today
7 because that's going to be contingent upon how long
8 Tracy is detained. George Barr is our regular
9 school inspector. He is out with an injury and
10 Tracy is just stepping in, and so we're having to
11 work around her schedule. And so it may happen
12 this afternoon, the conversation, or it may not
13 happen until tomorrow's meeting.

14 But either way, again, coming back to what
15 Ms. Lamb, there's nothing specified on the agenda
16 that any one school at all is going to be
17 addressing any particular issues. This was just to
18 be a conversation between staff and the board.
19 Were you told otherwise?

20 MS. TEAL: Well, I sent a letter --
21 it was more than 14 days ago -- to the board
22 requesting --

23 MS. THOMPSON: Asking to be on the
24 agenda?

25 MS. TEAL: Yes. Requesting

1 specifically, there's a student that had an
2 issue --

3 MS. THOMPSON: No, we can't hear the
4 details right now.

5 MS. TEAL: Right.

6 MS. THOMPSON: But it may be that
7 the conversation that was supposed to happen or is
8 going to happen was to clarify and potentially get
9 an answer about your particular situation?

10 MS. TEAL: Yes.

11 MS. THOMPSON: Without us knowing
12 your particular situation?

13 MS. TEAL: Okay.

14 MS. THOMPSON: So that may be what's
15 going to happen. Unfortunately at this point, I
16 can't guarantee that it will be today while you're
17 here. I can tell you now that we know you're here
18 and that's what you're here for. We'll try. But
19 my hands are tied at this point. Okay?

20 MR. HORTON: Thank you.

21 MS. TEAL: Thank you.

22 MS. THOMPSON: Thank you.

23 *****

24 MS. THOMPSON: Any further public
25 comment?

1 MS. AGEE: And you might very well
2 tell me the same thing. I'm just wondering
3 basically --

4 MS. THOMPSON: You need to state
5 your name for the record, please.

6 MS. AGEE: Sorry. Brandy Agee.

7 MS. THOMPSON: Okay.

8 MS. AGEE: And I'm just wondering,
9 apparently, I found out recently that there is a
10 rule/regulation where you need to take your
11 practical within a year of taking your written, but
12 I was unaware of. I've checked on the website,
13 cannot find that under policies/procedures.

14 MS. THOMPSON: There is nothing
15 specified that you have to take your practical and
16 your written within any time frame. The only time
17 frame that there is is that 24 months from
18 completion of course, you have to have taken both
19 exams within 24 months, period.

20 MS. AGEE: That's all I was aware
21 of.

22 MS. THOMPSON: That's all that's
23 there.

24 MS. AGEE: Apparently, there's this
25 new rule, and I'm not allowed --

1 MS. THOMPSON: No, ma'am.

2 MS. AGEE: -- to take the written.

3 MS. THOMPSON: There's not.

4 MS. AGEE: They won't let me go
5 online or anything.

6 MS. THOMPSON: Okay. Then there's
7 other extenuating circumstances, but it's not
8 simply that it's because there's a 12 month time
9 frame in-between one test or the other. That
10 doesn't apply. So there may be other details
11 pertaining to this that affect this. But at
12 this point, again, it's nothing that we can
13 discuss right now. It's not on this agenda. I
14 would ask --

15 MS. AGEE: So it's not a policy.

16 MS. THOMPSON: The only thing that
17 we have in place now is 24 months.

18 MS. AGEE: (Inaudible.)

19 MS. THOMPSON: From completion of
20 course, you have 24 months to take your exam.

21 MS. AGEE: Correct.

22 MS. THOMPSON: That's the only time
23 frame, other than --

24 MS. AGEE: That's all --

25 MS. THOMPSON: -- the ones that

1 applies to expired licensure. But to get initial
2 licensure, 24 months.

3 MS. AGEE: That's all I was --

4 MS. THOMPSON: Other than that, I'm
5 unaware of any, or I'm overlooking one at the
6 moment. Okay, so --

7 (Talking over one another.)

8 MS. THOMPSON: If you're being
9 denied or there's something else to it --

10 MS. AGEE: They called here and
11 said --

12 MS. THOMPSON: -- staff will help
13 get you -- get that explained for you.

14 MS. AGEE: Thank you.

15 MS. THOMPSON: Any other public
16 comment? Last chance. Hearing none -- Tracy's not
17 back in here --

18 MR. RAY: Do you want me to stick
19 my head over and see?

20 MS. THOMPSON: What type of meeting
21 was she in? Was it something -- was it --

22 MR. RAY: Like a staff meeting or
23 something.

24 MS. THOMPSON: Okay.

25 MR. RAY: She said --

1 MS. THOMPSON: How about just see if
2 she has any idea, not to rush her any way
3 whatsoever, but if it looks like it's going to be
4 another hour, or if she thinks it will be wrapped
5 up maybe in ten or fifteen minutes, that we could
6 take a bit of a break, just so we kind of have a
7 better idea before we actually officially adjourn.

8 (Off the record discussion while on break.)

9 (Tracy McCarley arrives.)

10 MS. THOMPSON: Now what we are doing
11 is we are going backwards. We are going back to
12 10(b), review of vocational school hours and
13 inspections. Now, I think there's been a little
14 bit of confusion. There have been multiple
15 conversations that I participated in in the last
16 month or so pertaining to vocational hours. And
17 one of the things that I had specifically asked,
18 that I wanted to present to the board was simply a
19 changing of the wording of the training affidavit.
20 So, essentially, that's what I felt the bulk of
21 this topic was for.

22 Then it was my understanding that George was
23 going to be here to answer questions that the board
24 may have. But I don't know if they are from
25 inspection's point of view, things that you guys

1 need clarification from the board. Are you aware
2 of any? Have any of that been relayed to you?

3 MS. MCCARLEY: George talked to me
4 briefly a week ago, I guess, something like that.
5 And it was concerning the makeup hours for
6 vocational schools, mainly.

7 MS. THOMPSON: Okay.

8 MS. MCCARLEY: And the mere fact
9 that vocational schools, public schools do not need
10 a contract.

11 MS. THOMPSON: Right.

12 MS. MCCARLEY: So therefore, it was
13 never specified what they needed to convey to the
14 students as far as makeup hours. However, the
15 schools that I inspected, they didn't call it a
16 contract, but they had a student agreement.

17 MS. THOMPSON: A written agreement,
18 right.

19 MS. MCCARLEY: And it denoted in
20 that agreement about makeup hours and what they
21 could do if they fell short before the --

22 MS. THOMPSON: It was my
23 understanding, going back as far as I can remember,
24 the way that we have handled that in the past is we
25 have not designated a particular way that the

1 vocational schools have to make up hours because
2 some school districts allow Saturday classes, some
3 allow -- and so what we have said upon approval of
4 initial application is that that particular school
5 has to submit to the board what their policy is for
6 their school.

7 MS. MCCARLEY: Their school
8 district.

9 MS. THOMPSON: Exactly.

10 MS. MCCARLEY: Yeah, exactly.

11 MS. THOMPSON: And so to my
12 knowledge, that's how they've been handled and it
13 really, it varies between each school and their
14 district.

15 MS. MCCARLEY: Correct.

16 MS. THOMPSON: But, essentially,
17 there has to be a policy.

18 MS. MCCARLEY: Yes. Absolutely.

19 MS. THOMPSON: So is the fact that
20 there's not something specified, is that the
21 problem? Or is it just that no one knew that they
22 needed validation that that was the agreement? I'm
23 not sure.

24 MS. MCCARLEY: Well, when I
25 inspected the schools, we did have that discussion.

1 And everybody that I talked to -- and I think what
2 stands out in my mind is one of the last ones --
3 might not have been the last one, but one of the
4 last vocational schools happened to be in Chester.
5 And they had their makeup policy down. They were
6 good with the district, everything was fine. And
7 the vocational schools that I dealt with, they've
8 never had a problem either understanding the
9 districts.

10 And we had a conversation with the school, the
11 Department of Education, and Rosanne and I went to
12 a conference one time and explained this very thing
13 to all of the principals, assistant principals and
14 directors of the vocational schools. They all
15 understood that too.

16 MS. THOMPSON: Okay. And so what's
17 the problem now?

18 MS. MCCARLEY: What is the problem
19 now? because I've not been in Cosmo for so long.

20 MS. TAYLOR: One problem is, I
21 think it was a policy that once you took the exam,
22 assume you're in high school, you take the exam,
23 then you no longer a part of that vocational
24 school. After graduation.

25 MS. THOMPSON: No. Now what now?

1 After graduation, you're right. But not just
2 taking the exam.

3 MS. TAYLOR: Yes.

4 MS. THOMPSON: No. They take exams
5 sometimes six weeks prior to graduation.

6 MS. TAYLOR: Right. But after
7 graduation --

8 MS. THOMPSON: After graduation.

9 MS. TAYLOR: -- after graduation,
10 you no longer a part of the vocational school.

11 MS. THOMPSON: That's correct.

12 MS. TAYLOR: The scenario we had
13 was --

14 MS. THOMPSON: Hold on a second.
15 How does this pertain to makeup hours? Or does it?
16 Because I think we need to address it one issue at
17 the time.

18 MS. TAYLOR: Okay. I think some
19 of them are referring to the students only having
20 like 30 hours left, so they're not allowed to make
21 up those hours because maybe they were not in
22 school for certain days because of --

23 MS. THOMPSON: Okay. This is where
24 I think we need to be very, very, very, very, very
25 precise in our terminology, because it gets

1 convoluted. There is a difference in my opinion --
2 and please, board members, if you do not agree, let
3 me know -- in a makeup hour and hours left for
4 completion of course. There's a big difference,
5 okay? A student, regardless if they're vocational
6 or private, are told that they're going to complete
7 the program in a time frame. If it's 12 months,
8 whatever, time frame. If they are absent at all
9 during that time frame, causing them to go over
10 what would be their previously-established
11 contracted completion date, then that becomes a
12 makeup hour.

13 If they are on course of study and everything
14 is fine, they're in the vocational program, March
15 is when their school goes to test, that student
16 takes the exam in March, but they still haven't met
17 their total number of hours, yet they're still
18 within that original time frame, those are not
19 makeup hours, those are completion of course hours.

20 MS. TAYLOR: Okay. This
21 instructor told me that this girl took the exam and
22 she had 900-and-some total hours.

23 MS. THOMPSON: Total? Or cos hours?

24 MS. TAYLOR: On her transcript
25 said 930-some.

1 MS. THOMPSON: Okay. But there's a
2 difference. Again, vocational --

3 MS. TAYLOR: -- talking about
4 vocational.

5 MS. THOMPSON: I know that.

6 MS. TAYLOR: She didn't break it
7 down.

8 MS. THOMPSON: Right. You have to
9 have it broken down.

10 MS. TAYLOR: But she says, "Oh,
11 she hasn't graduated." I said, "Well, why would
12 she take her exam if she hasn't graduated?" "Well,
13 she got to make up English. She didn't pass
14 English, so she's back in school taking her English
15 course so she can graduate." I said, "Well, you
16 didn't know she wasn't going to graduate? Y'all
17 didn't have her" --

18 MS. THOMPSON: Okay. This is the
19 thing.

20 MS. TAYLOR: -- graduate in March,
21 to take that exam.

22 MS. THOMPSON: This isn't one of
23 those hypothetical things. I think what needs to
24 happen with this particular situation is whoever
25 that student is, even if they've successfully

1 passed the examination, their license needs to be
2 held until we get to the bottom of this confusion.
3 Because without having something in front of me,
4 again, we can do hypothetical all day long. And if
5 someone has graduated, meaning that school says
6 "We're done with you; here's your diploma," they
7 aren't allowed back in the public school to take up
8 hours.

9 Now if they have not graduated and
10 they're doing a makeup Saturday school or something
11 like that, then they aren't considered a graduate.
12 That's where the difference is. So I think we have
13 to have more than just "this instructor told me."

14 MS. TAYLOR: No, this girl is
15 repeating her English.

16 MS. THOMPSON: But she can't
17 graduate and repeat her English.

18 MS. TAYLOR: She hasn't graduated,
19 so her academic hours are not complete.

20 MS. THOMPSON: But she couldn't
21 graduate, is my point.

22 MS. TAYLOR: But why did they let
23 her take the exam this year if she's not going to
24 graduate until she make up her English for next
25 year?

1 MS. THOMPSON: Why or why not she
2 doesn't take the exam really to me is not that big
3 of a deal because they all take the exam before
4 they actually finish high school. But they have to
5 successfully --

6 MS. TAYLOR: -- but for 12 months
7 or nine months or however when she graduated
8 from --

9 MS. THOMPSON: When she graduates
10 from the public school, she's finished in the
11 public school system --

12 MS. TAYLOR: Right.

13 MS. THOMPSON: -- if she has not
14 done everything required of her to obtain her
15 cosmetology license, then as far as I'm aware, her
16 training becomes null and void because that is part
17 of the agreement in the vocational system. If she
18 were to find a private school who would level test
19 her and establish what they thought her cosmetology
20 ability was and that they would award her a
21 designated number of hours, then she could contract
22 for the remaining. But yet we're not just going to
23 say, "Okay. You've met your 1500," and wait on her
24 to complete. That's not part of the vocational
25 agreement, to my understanding. Tracy?

1 MS. MCCARLEY: I agree.

2 MS. TAYLOR: We'll show you the
3 application.

4 MS. THOMPSON: It needs to come
5 before the board.

6 MS. TAYLOR: Okay.

7 MS. THOMPSON: I mean, and honestly,
8 that's what I'm saying. I know graduation's coming
9 before our next board meeting. This person's
10 license does not need to be sent to the school or
11 to her, or we need to send a letter to that
12 instructor stating, "We want that license back," if
13 it's already been sent, until we get this ironed
14 out, because none of that makes any sense to me.

15 MS. TAYLOR: Well, let me ask you
16 this question. Okay. If I'm taking my cosmetology
17 exam this year in March --

18 MS. THOMPSON: You should be
19 graduating in June.

20 MS. TAYLOR: No.

21 MS. THOMPSON: You should be.

22 MS. TAYLOR: She's not graduating.
23 She's going back to the vocation school to make up
24 her hours, her credits for English.

25 MS. THOMPSON: See that's my --

1 originally you said they told you she had
2 graduated.

3 MS. TAYLOR: No.

4 MS. THOMPSON: Now she's going back
5 to make up her English.

6 MS. TAYLOR: She didn't graduate,
7 because she failed her English. But my thing is
8 thing is in March that you know that she's not
9 going to graduate in May?

10 (Several talking at the same time.)

11 MS. STEVENS: -- the students take
12 their test -- you don't necessary know -- I'm
13 sorry, Tammie Stevens. You couldn't know in March
14 that she's failing English yet. You wouldn't know.
15 And you have to submit that paperwork earlier. And
16 so --

17 MS. THOMPSON: But as far as I
18 understood --

19 MS. STEVENS: -- for her coming
20 back --

21 MS. THOMPSON: -- the English
22 classes were not part of the ones that we've
23 allowed for academic credit in the past. It used
24 to be maths and sciences because of the color
25 application and the chemistry involved and things

1 like that. So that's why I say, the way to handle
2 this at this point without continuing to belabor
3 it, because we need all this in -- we need to see
4 the applications. We need to see her test scores.
5 We need something from her school stating exactly
6 her courses that she's completed successfully, what
7 she's having to come back for, because, again, we
8 can hypothetical it all day long.

9 Then in the process, in the meantime, I'm
10 going to need help with researching when and where
11 that was all specified, because I know the
12 agreement between the Department of Ed and the
13 board was done pre-LLR. All that has been done and
14 handled this way for as many years as LLR has been
15 here, I know for sure. Then we can move forward.
16 But the best way that I know to handle it right now
17 is that that particular candidate's license are
18 held until this is worked out and we can establish
19 that she is legitimately qualified. Is there
20 anything else?

21 MS. TAYLOR: The other one that I
22 am concerned about is she completed high school --
23 or supposedly completed high school May of 2011.
24 But then I received an Affidavit of Completion
25 dated February 12th or February 2012. And I have

1 not released that license because --

2 MS. THOMPSON: Have you inquired as
3 to why? Why that delay?

4 MS. TAYLOR: That's why Ms. Teal
5 was here today. That's one of the reasons. I
6 didn't get her request in, but I spoke with her
7 about that.

8 MS. THOMPSON: Again, the board
9 can't consider anything right now --

10 MS. TAYLOR: Right.

11 MS. THOMPSON: -- because it's not
12 on the agenda.

13 MS. TAYLOR: Okay.

14 MS. THOMPSON: To my knowledge,
15 again, there may be situations and circumstances
16 where there's -- but all the experience and
17 information I have, there are some three-year
18 programs; there are two year programs. There are
19 approximately 52 vocational schools in the state.
20 A student enrolls; they go one year. I know in
21 Horry County, it's block scheduling. You can get
22 554 hours each year. It's three hours of class
23 every day. You also get 554 academic hours each
24 year, but of those, only specific ones apply. So,
25 essentially, it takes you two full years to get a

1 thousand eighty hours, whatever that is, cos and
2 you actually have more than you really need
3 academic. But that takes you your junior and
4 senior year.

5 You apply to examine. The examination
6 happens. There's a training affidavit stating that
7 you have met your required curriculum of your
8 thousand cos hours, you go take the test; you pass
9 or you fail. If you pass, that information is held
10 until that person completes their hours. However
11 many, it's four weeks, six weeks, however many
12 weeks are in-between. Once those hours are
13 completed, there's a Affidavit of Completion sent.
14 License are released. The student gets a license.

15 I've never heard of a student testing in May
16 of one year and then not getting an Affidavit of
17 Completion for another six months. So I don't
18 understand that. How can you test when you've got
19 that? You can't. So there's a problem. There's
20 an issue there that needs to be addressed, but it
21 needs to be handled specifically with that school,
22 that student, and we need answers to those
23 questions.

24 MS. TAYLOR: She's not the only
25 one.

1 MS. THOMPSON: Okay. Then that
2 needs to be addressed. Is it the same school?

3 MS. TAYLOR: No.

4 MS. THOMPSON: Okay. The first
5 thing that I would like to happen -- and actually,
6 I didn't even realize it was going to evolve into
7 this. The training affidavits that we have, I
8 would like to request the board to make a motion to
9 simply change the wording a little bit. This is a
10 cosmetology training affidavit. You guys see them
11 all the time when we're looking for licensure
12 things. This is the same affidavit that's used for
13 vocational schools and private schools. For me, I
14 think that it should say "vocational school
15 cosmetology training affidavit," and then "post-
16 secondary" or "private," however we want to word
17 it. But I think there needs to be a
18 differentiation made between the two. So that when
19 any and everybody are looking at this, they will
20 know whether to look for the breakdown of hours or
21 if we're looking for a straight-out 1500 all cos.
22 Does that make sense?

23 BOARD MEMBERS: Uh-huh.

24 MS. RODGERS: Can we make a motion
25 to change it.

1 MS. THOMPSON: Okay.

2 MS. RODGERS: I make a motion to
3 change --

4 MS. WEBB: Two separate.

5 MS. RODGERS: -- it.

6 MS. THOMPSON: I have a motion. Do
7 I have a second?

8 MS. WEBB: Second.

9 MS. CURTIS: Second.

10 MS. THOMPSON: Motion and a second.
11 Any further discussion?

12 MS. MCCARTHA: Whatever you needed
13 to say, did you need to say it before they vote?

14 MS. RODGERS: Well, it doesn't
15 matter.

16 MS. TAYLOR: Do we have the
17 academic hours on the vocational transcript?

18 MS. THOMPSON: Yeah. Once the
19 motion carries, then we're actually going to --

20 MS. TAYLOR: --- academic?

21 MS. THOMPSON: Well, that's going to
22 come. But at this particular point right now, is
23 to change the title. Motion, second. All in
24 favor, signify by saying aye.

25 BOARD MEMBERS: Aye.

1 MS. THOMPSON: Opposed?

2 (NO RESPONSE.)

3 MS. THOMPSON: Motion carries. So
4 that particular motion was that we're going to
5 change this form to identify vocational schools
6 versus post-secondary. We're already doing it for
7 licensing, right? This year with the license
8 renewals? The school licenses are going to say
9 "vocational" or "post-secondary"; is that correct?

10 MS. TAYLOR: Post-secondary.

11 MS. THOMPSON: Post-secondary, okay.

12 MS. TAYLOR: Vocational doesn't
13 have --

14 MS. THOMPSON: Okay. For this
15 particular form -- and this is where I want your
16 opinion as well -- I would like them each to say
17 something, so that we know, and that we're not just
18 getting caught with an old form somewhere. Does
19 that make sense? So I'd like every form to either
20 say "vocational" or "post-secondary."

21 What we'll need to also do is we'll need a
22 letter to be sent to every school in this state,
23 telling them that starting -- what is today's date?

24 MS. WEBB: Today's the 14th.

25 MS. THOMPSON: How long do we

1 legally have to give them when we're just letting
2 them know that there's a new form for any and all
3 of their students?

4 MS. MCCARTHA: I don't know if I
5 have a specific legal date.

6 MS. THOMPSON: Would June 1st be
7 reasonable? Or do we need to take it a little
8 later?

9 MS. MCCARTHA: I think the 30 days.
10 I'm not saying you have to. I can't think of
11 any --

12 MS. THOMPSON: Thirty calendar? or
13 business?

14 MS. MCCARTHA: Business.

15 MS. THOMPSON: So what's today's
16 date? The 13th?

17 MS. BROWN: 14th.

18 MS. THOMPSON: Okay. June 14th.
19 Obviously, vocational schools will have graduated
20 people at that point. But starting June 14th,
21 every training affidavit that comes from every
22 school in this state has to have a title,
23 "vocational" or "post-secondary."

24 Now, back to Shirley -- yes, Shirley, I agree
25 with you. I think there needs to be a breakdown.

1 But what I think we need to do first before we
2 implement a change on this form is we need to try
3 and track down the history of where that
4 specification happened as to what academic courses
5 were considered approved for -- because obviously
6 you can't take home-ec and get credit for -- you
7 know, and that wasn't a real good example. I'm
8 trying to think -- public speaking or typing and
9 really get credit towards your cosmetology, because
10 those classes were supposed to be done in lieu of
11 the chemistry chapters of the cosmetology program
12 or, you know, the maths and sciences. I never knew
13 that the English courses were allowed. May be that
14 there were a few, but in my opinion, you can't just
15 carte blanche say "All English classes are going to
16 count toward your academic credit." So I think we
17 need to do the research on that before we start
18 implementing changes on this affidavit. Does that
19 make sense? Yeah? But I see hesitation.

20 MS. WILDER: No, I was just saying,
21 you know, that English might not have been part of
22 the academic, but she couldn't graduate.

23 MS. THOMPSON: I'm not even talking
24 about that girl. I'm just talking about in
25 general; from this point forward, in general. That

1 girl we'll come back to once we've got something in
2 our hands. But --

3 MS. WILDER: I thought that I listed
4 all of those classes. I'm not sure.

5 MS. THOMPSON: But it's somewhere.
6 I know it's somewhere.

7 MS. WEBB: I'm sure you do.

8 MS. TAYLOR: I thought the English
9 -- were at one time --

10 MS. WEBB: I'm serious. You do.

11 MS. TAYLOR: -- when our law
12 stated that they had to be able to read, write and
13 understand English.

14 MS. THOMPSON: And potentially,
15 you're right. But I know that it wouldn't just be,
16 you know, all English, you know, forever and ever
17 just any kind of English. But you may be right. I
18 just want to know where to start from there, to
19 help break it down.

20 MS. TAYLOR: I might not find it by
21 tomorrow.

22 MS. THOMPSON: That's okay.

23 MS. TAYLOR: I think I --

24 MS. THOMPSON: I've been reviewing
25 the minutes. I've gone back. I've started in

1 2000, and I'm reading every set of minutes, because
2 I had them in my house. But I think it was --

3 MS. TAYLOR: I think it was --

4 MS. TAYLOR: Yeah, it was before
5 that. But I'm looking for just any conversation in
6 the application process of a vocational school
7 opening. Maybe there was something there. That's
8 kind of what I'm looking for, to help us as well.
9 But, I agree. The original agreement and
10 specification was done before that.

11 MS. STEVENS: Ma'am.

12 MS. THOMPSON: Yes.

13 MS. STEVENS: George has a copy. I
14 gave him all when he took it over. And there were
15 policies, and I know they're policies, back in the
16 '90s. So George may even be able to track
17 something down in that verbiage.

18 MS. THOMPSON: Okay.

19 MS. STEVENS: Or give you a time
20 frame for when it might have happened.

21 MS. THOMPSON: Okay. I just need
22 somewhere to start, so that we can try and -- I
23 mean, the vocational process is not new. It's been
24 happening forever. And it's just kind of been
25 happening. But apparently, somewhere it's gotten a

1 little out of whack and there's some confusion.
2 And now we're having a hard time running down
3 something in writing.

4 And what I am going to do -- I've been
5 thinking of it -- I'm going to form a committee. I
6 just haven't actually decided who needs to be on
7 the committee, to handle nothing but vocational
8 schools and helping be the go-between in
9 understanding how to be in compliance with the
10 Department of Education's requirements and what
11 they have to do with their school board. And then
12 also with the Board of Cosmetology and how to make
13 it a happy marriage of the two, but yet still
14 within the laws that govern this industry. I might
15 be able to have that done by tomorrow.

16 MS. TAYLOR: Melanie.

17 MS. THOMPSON: Yes.

18 MS. TAYLOR: We've also had
19 applications to come through where the students
20 have taken their exams with less than a thousand
21 hours. And at one time I thought they could not
22 take them with less than a thousand.

23 MS. THOMPSON: This has been my
24 understanding -- and Tracy, maybe you help me. If
25 the student -- the vocational schools that I have

1 inspected personally, within the last couple of
2 years, all have or use these programs where -- and
3 I don't know what they call it, but they
4 essentially can project your hours and that helps
5 determine how many hours you need each grading
6 period and blah, blah, blah. And when they're
7 starting to look at testing dates, it can project
8 how many hours that student will have at that
9 particular date and then how many hours are left
10 between then, and will they make graduation,
11 basically.

12 Most every student that I know of has hit at
13 least the 900 mark if they're in compliance with
14 that and doing it that way. At no point should any
15 student ever only be between six and seven hundred
16 because there's no way in six weeks that they can
17 get all of those hours before graduation. So if
18 anybody's slipping through that has only gotten 700
19 or 800 hours, then there's a problem with that
20 school and their tracking of their hours.

21 So that may not be right at a thousand when
22 they test, but by the time they get to test --
23 because I think they have to apply to test or put
24 in their request to test or something a couple of
25 weeks out, which means that every student is not

1 right at a thousand, but they should be dang close
2 by the time they actually get to test. Is that
3 correct, Tammy?

4 MS. STEVENS: Anyone teaching it can
5 project which students are going to be available.
6 And it would also depend on, do they have a certain
7 makeup time that they can make up some hours during
8 that time too, and that may affect it as well.

9 MS. THOMPSON: Tracy, are you aware
10 of any, when you were inspecting, any conversations
11 that happened pertaining to that? How many hours
12 the students had to have cosmetology-related prior
13 to testing?

14 MS. MCCARLEY: Vague memory. I
15 can't say specifically.

16 MS. THOMPSON: Okay. Vague memory,
17 what? Do you remember --

18 MS. MCCARLEY: What you were just
19 saying about being very close and still being able
20 to --

21 MS. THOMPSON: So, Matteah, are you
22 aware of students at 700 hours doing it? Or are
23 they all nine, 925, 918, something like that?

24 MS. TAYLOR: I haven't gotten any
25 applications with them under 900 hours.

1 MS. THOMPSON: Okay. But
2 essentially, if I'm remembering correctly from
3 conversations with PCS, a vocational school can be
4 scheduled to test, depending on the number of
5 schools that are actually going to be testing that
6 particular year. The testing can take up to a
7 month to get all the schools done, and potentially
8 can be anywhere from -- I think the earliest I can
9 ever remember being scheduled was beginning of
10 March, to the latest being mid-April, which
11 essentially means mid-April to mid-May, end of May,
12 that's still at least a month before graduation.
13 So there should -- at that point, nobody can
14 complete more than a hundred hours, only getting
15 three hours a day in four weeks.

16 MS. STEVENS: Some district schools
17 approve for them to have extra time, even beyond
18 graduation day. But it really depends on the
19 district and relationship that they have. Some of
20 them won't provide the teachers any extra time, but
21 some will. They really --

22 MS. THOMPSON: Is this in a
23 regularly attended program? Or is this a makeup
24 policy?

25 MS. STEVENS: If they know they got

1 students that can graduate that year, if they're
2 graduating now and they won't be able to finish it
3 up. Some districts have a much better allowance.
4 They'll give teachers every Saturday.

5 MS. THOMPSON: Okay. But that's
6 where we're having the issue because if the student
7 has been in school every day that they're supposed
8 to, and this is part of what I want this committee
9 to check into, because when we have a situation
10 where there's a voc student who they say they can't
11 complete the program. Well, why not? Is it
12 because they missed all their classes?

13 MS. STEVENS: They've been out sick.

14 MS. THOMPSON: English? math?
15 everything?

16 MS. STEVENS: That's usually why is
17 because they're out sick. And if they failed core
18 subjects, that affects it as well.

19 MS. THOMPSON: Okay.

20 MS. STEVENS: That's where the big
21 issue comes in is where you got a student who has
22 -- basically, they get pulled out. Like when they
23 have core classes, they're in block schedule, and
24 they have to give up one block because they've got
25 to go take a core subject that they failed in the

1 11th grade. They'll still graduate on time, but
2 they can't finish their cosmetology because of
3 that. That can affect it as well.

4 MS. THOMPSON: But that student --

5 MS. STEVENS: (Inaudible.)

6 MS. THOMPSON: -- if they've got
7 that much to make up, that student shouldn't be
8 testing.

9 MS. STEVENS: Amen. Exactly. But I
10 could say from experience and from talking with
11 other vocational teachers, when you get put in
12 cosmetology in the public school, you don't get a
13 crash course on what cosmetology law is and how it
14 affects classes. They just throw you in there,
15 expecting you to know it. So the teachers don't
16 understand it either.

17 MS. THOMPSON: That's part of the
18 cosmetology curriculum, though, is state law. And
19 so I don't expect the student when they're
20 enrolling to be versed in it. But I do expect them
21 that while they're there, to become versed in it.
22 You know, and absolutely, the instructor should
23 know.

24 MS. STEVENS: But they don't
25 understand the testing and all that stuff.

1 MS. THOMPSON: That is a problem --

2 MS. STEVENS: They don't get it.

3 MS. THOMPSON: -- with trying to fit
4 a square peg into a round hole. I mean, we have
5 the guidelines that the private schools operate
6 under, and then the public schools operate under
7 the guidelines of the Department of Education and
8 their individual districts. They don't understand
9 our laws, and sometimes we don't understand what
10 they're doing. So we have to find a happy medium
11 there. But at the end of the day, the law is the
12 law. Fifteen hundred hours, period. It doesn't
13 say 950 or if you come close to 1500. It says
14 1500, period.

15 Anything else that you know of that George
16 needed to present to us?

17 MS. MCCARLEY: Not that I can think
18 of or remember what I did.

19 MS. THOMPSON: Well, if you think of
20 anything, we'll be here again tomorrow.

21 MS. MCCARLEY: Okay. And I'll be
22 free. So if you need me --

23 MS. THOMPSON: Okay. We appreciate
24 it. Is there anything else, Shirley, that you
25 needed to ask us about that possibly we might need

1 help from Tracy?

2 MS. WIDER: About what?

3 MS. THOMPSON: That you needed to
4 ask us pertaining to vocational schools that we
5 might need Tracy's assistance to answer you?

6 MS. WIDER: No.

7 MS. THOMPSON: No? Okay.

8 MS. MCCARLEY: All right, thank you.

9 MS. THOMPSON: Thanks, Tracy.

10 MS. TEAL: Can I ask another
11 question? Thank you, first of all, for changing
12 the affidavit, because that has been a problem for
13 me. The second thing is, okay, if I have a student
14 who goes to test in -- I'm sorry; I'm Rebecca Teal
15 -- goes to test in March and passes -- you know,
16 say March and April, and they pass. And say they
17 finish their hours, I don't know, May 15th and
18 their graduation date is not until June 2nd. And
19 like they passed the test; I sent in the affidavit
20 when they finished those hours. Well say they
21 failed the very last exam, I don't know, in a math,
22 and then they don't get their diploma. I've
23 already sent in all the information as far as State
24 Board of Cosmetology. Like you said, private
25 schools are concerned, I've done all that. Do we

1 notify the board they didn't graduate?

2 MS. THOMPSON: That's where it's
3 going to come down to the specification of exactly
4 what academic courses are going to apply to that
5 500 hours that they're allowed for academic
6 studies. That's where I think the answer to your
7 question will be found.

8 MS. TEAL: Yes.

9 MS. THOMPSON: Because, again,
10 essentially, unless, as far as I know 554 hours is
11 what can be obtained if the student is there every
12 day in a block scheduling scenario, academic or
13 cosmetology, because two, 3-hour classes. So
14 essentially, they could complete their academic
15 training well within the two-year time frame, as
16 well as the cosmetology training.

17 MS. TEAL: Yes.

18 MS. THOMPSON: But it's going to
19 come down to exactly which academic courses are
20 going to apply, and I don't know that for you right
21 today.

22 MS. TEAL: Okay. And that leads me
23 to another question because I was taught -- and,
24 you know, we don't have -- like you said, we don't
25 have vocational, like a separate laws and

1 regulations, so it's pretty much -- I went through
2 what's called "the direct program," because I
3 taught at a private school, and then I went to the
4 -- and so I understood the rules and regulations
5 from that point of view. And I went to a
6 vocational program and I was taught by my master
7 teachers that -- and this is exactly what I was
8 told -- Englishes, math, sciences, that teacher
9 said to me, "If they are in my class, I give them
10 academic hours." And now, I print out --

11 MS. THOMPSON: "If they're in my
12 class," which class? Are you talking about the
13 cosmetology instructor?

14 MS. TEAL: No. The classes I had to
15 go to through my program under a cosmetology
16 instructor, to make sure that I was following
17 proper guidelines for the public school. So --

18 MS. THOMPSON: That was implemented
19 by -- because I'm an instructor as well, okay, so I
20 understand. Where I'm confused, is that something
21 that your particular vocational school required of
22 you? Or that's something that a --

23 MS. TEAL: The state.

24 MS. THOMPSON: Okay. That's where I
25 need -- okay.

1 MS. TEAL: Yes.

2 MS. THOMPSON: Got you.

3 MS. TEAL: The state did. So I just
4 -- personally for me, I'm just so stressed out.
5 Like I won't set rules and guidelines because --

6 MS. THOMPSON: I'm with you.

7 MS. TEAL: -- I want to be in
8 compliance.

9 MS. THOMPSON: I want it in black
10 and white. I'm with you.

11 MS. TEAL: Well, I mean, and I do
12 too. And I've had a problem with this. And I know
13 we can't address my individual student, but at the
14 Education and Business Summit, which is a summit
15 for public school teachers, it's in Greenville
16 every year, Ms. McCarthy-Hartley was there. And a
17 specific question was asked, "My school does not"
18 -- it was another teacher. And she said, "My
19 school does not have enough hours for my students
20 to get their hours." So she said, "After
21 graduation, I personally offered for them to come
22 back, you know, and let them finish," and their
23 district would not allow her. And we were told
24 that if the school lets you, the students can
25 finish hours. They can come back. And that's

1 why my particular student, we allowed her to come
2 back because, you know, we were told at that summit
3 from --

4 MS. THOMPSON: In my opinion --

5 MS. TEAL: And I had never done it
6 before.

7 MS. THOMPSON: -- from day of
8 enrollment to date of completion, the program
9 should be designed to allow for proper completion
10 of the program. So if --

11 MS. TEAL: Yes.

12 MS. THOMPSON: -- your particular
13 school needs three years, then you have to have a
14 three-year program. But if your school only needs
15 two years, then you have a two-year program. But I
16 don't understand at all why there would be the end
17 of the school year, and that school saying "Our
18 students can't complete it."

19 MS. TEAL: Well, my school is not
20 like that. I mean, we have enough time to finish.

21 MS. THOMPSON: As all schools
22 should. That's why I don't understand --

23 MS. TEAL: Well, that's what the
24 teacher was frustrated about, and she's no longer
25 there because of that situation. But she just was

1 wondering, you know, if we have students that can
2 come back and finish hours even after graduation,
3 is that possible, and we were told "yes." And I
4 don't --

5 MS. THOMPSON: My interpretation
6 would be "no."

7 MS. TEAL: Right. And it's not
8 written anywhere. And I admit, we had not done
9 that before. But since we were told that at the
10 summit --

11 MS. THOMPSON: But this is what I
12 don't understand. Public schools, once a student
13 has graduated and that public school is done with
14 you, you are graduated, you have a diploma, how can
15 you then still be considered a student of the
16 public school? That's where I'm confused.

17 MS. TEAL: And I'm not disagreeing.
18 I just want to know.

19 MS. THOMPSON: I'm just confused
20 about that.

21 MS. TEAL: You know, we were told we
22 could do it. And, you know, since this is the only
23 student I've ever had like that; she had a bad
24 situation at home. Her mom had cancer; you know,
25 couldn't get to school because we have Saturdays

1 contracted in, those kinds of things. So it was
2 just a situation where we, you know, wanted to help
3 her. And since I was told we could do that, then
4 we did it. But I just want to know, black and
5 white -- you know, the affidavit was the first
6 thing. I'm glad we'll have separate affidavits
7 now. But, you know, I don't know; do I need to
8 send another letter about her specific situation
9 and come back to the next board meeting? Or --

10 MS. THOMPSON: Is your student the
11 one Shirley's talking about?

12 MS. TEAL: I'm not sure. I know
13 that they said that there were other schools, and
14 I --

15 MS. THOMPSON: Right. Anything
16 that's specific to a student now, if they're going
17 to be graduating in June, obviously we can't
18 address it until our July meeting. So --

19 MS. TEAL: Yeah. That's a previous
20 student. I don't have any students -- these
21 students.

22 MS. THOMPSON: Regardless, I mean,
23 we can't consider anything --

24 MS. TEAL: Right.

25 MS. THOMPSON: -- that we don't have

1 before us.

2 MS. TEAL: Okay.

3 MS. THOMPSON: We'll have to have
4 the details of everything before we can even make
5 an educated guess. So if the student has
6 successfully passed the exam, we just hang onto
7 the license until we can iron this out. Because
8 again --

9 MS. TEAL: Okay.

10 MS. THOMPSON: -- we have to verify
11 that they are qualified and competent to practice.
12 I don't know how else we can do that, unless we've
13 got something in front of us. Am I right?

14 MS. TEAL: I'll just request for
15 the next agenda.

16 MS. THOMPSON: Okay.

17 MS. TEAL: Okay. Thank you.

18 MS. THOMPSON: Thank you. All
19 right. So we've gone backwards. That was it, as
20 far as I know, unless there's something else.

21 MS. WEBB: Not today.

22 MS. THOMPSON: Then I'll entertain a
23 motion to adjourn.

24 MS. WEBB: Madam Chair, I make a
25 motion to adjourn.

1 MS. RODGERS: I second the motion.

2 MS. THOMPSON: Motion and a second

3 to adjourn.

4 *****

5 (Whereupon, the meeting/hearings were

6 adjourned at 3:55 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, CECELIA P. ENGLERT, COURT REPORTER AND NOTARY
3 PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE,
4 HEREBY CERTIFY THAT I RECORDED AND TRANSCRIBED THE SOUTH
5 CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,
6 COSMETOLOGY BOARD HEARINGS ON THE 14TH DAY OF MAY, 2012,
7 AND THAT THE FOREGOING 243 PAGES CONSTITUTE A TRUE AND
8 CORRECT TRANSCRIPTION OF THE SAID HEARINGS.

9 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
10 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
11 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
12 INTERESTED IN SAID CAUSE.

13 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID
14 TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO
15 MALINDA PRESSLEY, SCLLR - COSMETOLOGY BOARD, KINGSTREE
16 BUILDING, 110 CENTERVIEW DRIVE, COLUMBIA, SOUTH
17 CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL
18 TRANSCRIPT.

19 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL
20 THIS 13TH DAY OF MAY, 2012.

21 _____
22 CECELIA P. ENGLERT, COURT REPORTER
23 MY COMMISSION EXPIRES JUNE 03, 2018

24
25