

1 **DRAFT MINUTES**
2 **South Carolina Board of Cosmetology**
3 **10:00 A.M., September 10, 2012**
4 **Synergy Business Park**
5 **Kingstree Building, Conference Room 108**
6 **110 Centerview Drive, Columbia, SC 29210**

7 **View the Board Meeting On-line at www.llr.state.sc.us/POL/Cosmetology**

8 **Video of this meeting can be viewed at the state's public website: www.llr.state.sc.us/POL/Cosmetology,**
9 **On the Board's home page click "Board Information" and follow the link to the video.**

10 *These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of the*
11 *meeting. A transcript of this meeting providing more detail will also be available on the Board's website*
12

13 **Meeting Called to Order**

14 Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business
15 Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in
16 compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

17
18 **Pledge of Allegiance**

19
20 **Rules of the Meeting Read by the Chairperson**

21
22 **Introduction of Board Members**

23 Chairperson, Melanie C. Thompson called the regular meeting of the Board of Cosmetology to order. Other
24 Board members present for the meeting included, Vice Chairperson, Katherine T. Webb, Cynthia T. Rodgers,
25 Selena M. Brown, Stephanie Nye, and Janice Curtis.

26
27 **Staff Members Participating in the Meeting**

28 Sara McCartha, Advice Counsel, Doris Cubitt, Interim Administrator, Tracey McCarley, New Board
29 Administrator, Bridget Jenkins, Matteah Taylor, Roz Bailey-Glover, Administrative Staff, Cecelia P. Englert,
30 Court Reporter. Andrew R. Rogers, Assistant General Counsel, Dean Grigg, Deputy Director, DeLeon
31 Andrews, OIE, Charlie Ido, Assistant Deputy Director, Robbie Boland, Ronnie Blackmon, Inspections
32 Department.

33 **All Other Persons Attending:**

34 Tabitha Dorton, Chesley Phillips, Jay Lacy, Matt Martin, Kate Shelton, Angela Morrison, Darneca T. Walker,
35 Brandon Matthews, Scott Bills, Colleen Large, Gloria Smith, Stephanie Mickens, Christina Rollins, Tammie
36 Stevens, Angie Shuler, Michelle Richardson, Shannon Belton, Laura Pace, Bernice Settles, Cynthia M.
37 Gaillard, Amanda Jordan, Cynthia Blocken, Natasha Pittman.

38 **Approval of Excused Absences: None absent.**

39
40 **Approval of Minutes for the Following Meetings: July 9, 2012 and July 10, 2012**

41
42 **MOTION:**

43 Ms. Brown made a motion to approve the July 9, 2012 minutes. Ms. Webb seconded the motion, which
44 carried unanimously.

45 **MOTION:**

46 Ms. Curtis made a motion to approve the July 10, 2012 minutes. Ms. Webb seconded the motion, which
47 carried unanimously.

48
49

50

51 **Approval of Agenda**

52 **MOTION:**

53 Ms. Webb made a motion to approve the agenda with any deviations as deemed necessary. Ms. Rodgers
54 seconded the motion, which carried unanimously.

55

56 **Chairman's Remarks – Melanie Thompson**

57 Ms. Thompson recognized Mr. Ido, who introduced Ms. Tracey McCarley as the new Board Administrator
58 for Cosmetology, Barber and Massage Therapy. Ms. Thompson and the Board members welcomed Ms.
59 McCarley. Ms. Thompson also thanked the staff for their hard work during the many transitions the board
60 has experienced. Ms. Thompson stated that the November meeting will fall on Election Day, and that she will
61 ask for an absentee ballot in order to attend the board meeting. Ms. Thompson reported that she and Ms.
62 Curtis attended the National Interstate Council of State Boards of Cosmetology (NIC) 2012 Annual
63 Conference from August 24-27, 2012 in Salt Lake City, Utah. There were twenty-six states in attendance. At
64 that meeting Ms. Thompson was elected as Vice President of the NIC. Ms. Thompson stated that South
65 Carolina won the bid to hold the next conference in Charleston, SC. This is a very big event and a
66 tremendous revenue stream for South Carolina. Ms. Thompson stated that on September 4, 2012 she also
67 attended the final inspection for Virginia College at their Florence campus. The facility is complete and
68 impressive. Ms. Thompson stated she attended meetings with Mr. Robbie Boland regarding LLR's inspection
69 process, and thanked Mr. Boland for helping the Board.

70 **Administrator's Remarks, For Information – Doris Cubitt**

71 Ms. Cubitt thanked the board staff for the great job they have been doing during the transition. There are no
72 dates set for the Board as of yet, but there will be a meeting set up in October. Ms. Cubitt announced that Ms.
73 Shirley Wider, long time staff member, retired on August 16, 2012, and that there is a plaque ready to be
74 presented to her as soon as she is able to come into the office. The open position has been posted.

75

76 **OIE Report – Office of Investigations and Enforcement – DeLeon Andrews**

77 Mr. Andrews reported eleven active cases, four closed and eight cases with the status of "Do Not Open Case".
78 The "Do Not Open Cases" are those being reviewed by the state attorney involving a complaint filed. There
79 were two hundred and twenty-one cases closed from January 1, 2012 - September 7, 2012, and eight cases
80 with the status "Do Not Open Case". During the same time frame last year there were sixty-nine active
81 cases, and one hundred and thirty-seven cases closed.

82 **MOTION:**

83 Ms. Rodgers made a motion to go into executive session for legal advice. Ms. Brown seconded the motion,
84 which carried unanimously.

85

86 The Board returned from executive session where no votes were taken or motions made.

87 **MOTION:**

88 Ms. Webb made a motion to approve the OIE report as information. Ms. Rodgers seconded the motion, which
89 carried unanimously.

90

91 **Advisory Opinions, if needed, Office of General Counsel – There were none.**

92

93 **Legislative Update, if needed, Legislative Liaison Office – There was none.**

94

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

96 Mr. Rogers reviewed the OGC Case Load Statistics report stating that there were seventeen open cases, nine
97 pending action, five pending hearings and three pending final orders. There were also a total of twenty-five
98 cases closed by OGC. The scheduled hearing for September 11, 2012 will be held in room 108 at 10:00 a.m.

99

100

101 **Inspection Report – Approval of Inspection Violation Report – Robbie Boland**

102 Mr. Boland reviewed the inspections report for July and August, 2012. Mr. Boland stated that ten schools
103 were inspected in August and that there were a total of 4,619 cases of salons with multiple violations. Mr.
104 Boland pointed out that inspections of salons with violations are re-inspected within ninety days. The Board
105 was provided with an inspections violation report for July, 2012.

106
107 **MOTION:**

108 Ms. Rodgers made a motion to accept the violations report as information. Ms. Webb seconded the motion,
109 which carried unanimously.

110
111 **Financial Reports - Laura Pace**

112 Ms. Pace appeared before the Board to answer questions regarding the financial statements provided for the
113 Board of Cosmetology. Ms. Thompson wanted an explanation regarding the financial transfers shown on the
114 statement. Ms. Pace explained that there was a proviso required to cover the expenses for the OSHA
115 program, and the State General Fund. Ms. Thompson also inquired about the 2008-2012 LLR transfer of fees
116 for attorney expenses. Ms. Thompson questioned why there was an increase from \$46,580.49 to \$176,742.68
117 in legal fees. Ms. Thompson wanted to know, what percentage of the legal fees, were being charged to the
118 Cosmetology Board versus all of the other LLR Boards? Ms. Thompson asked for an itemized list
119 representing administrative costs in addition to the 2011 cash correction. Ms. Thompson asked for a financial
120 comparison to be provided to the Board from 2000 to-date 2012. Ms. Pace stated that she is new, hired in
121 2012, but will go back to her office and provide the Board with a new financial statement.

122 **Old Business – There was none.**
123

124 **New Business**

125 **Approval to Teach Continuing Education for SC Progressive Association – Bernice Settles**

126 Ms. Settles submitted a request on July 12, 2012 to add a new instructor to the South Carolina Progressive
127 Association of Cosmetology. The new instructor will be Carolyn Covington. Ms. Covington will teach
128 natural hair textures.

129
130 **MOTION:**

131 Ms. Webb made a motion to approve the new instructor. Ms. Brown seconded the motion, which carried
132 unanimously.

133
134 **Approval to Teach Continuing Education for Association for Cosmetology Excellence, Inc. - John T.
135 Elliott (IRC.35138)**

136 Ms. Angie Shuler, Secretary of the Association for Cosmetology Excellence, Inc., submitted a request and
137 documentation on August 3, 2013 to add a new instructor to their roster for 2012. The instructor is Mr. John
138 T. Elliott.

139 **MOTION:**

140 Ms. Webb made a motion to approve the new instructor. Ms. Rodgers seconded the motion, which carried
141 unanimously.

142
143 **Approval of Associations - Fly Heat Association of Cosmetology- Cynthia M Gaillard**

144 On August 23, 2012, Ms. Gaillard submitted documentation for the approval of a new association in order to
145 provide continuing education training. Ms. Gillard submitted a list of new members, and the application
146 along with the Certificate of Existence for a Non-Profit Corporation.

147 **MOTION:**

148 Ms. Brown made a motion to approve the new association. Ms. Nye seconded the motion, which carried
149 unanimously.

150
151 **Lunch Break - 1:15 p.m. to 1:45 p.m.**

152
153 **Approval of License with Background Report - Matthew T. Martin Jr.**
154 Mr. Martin appeared before the Board to answer questions regarding his background report containing a
155 felony from November 30, 2011. Mr. Martin explained to the Board that he completed his cosmetology
156 training and passed his examinations. Regarding his background check, Mr. Martin explained he was
157 released from probation on December 2, 2011. Because of his situation with the law, he had to forfeit his
158 New Jersey teacher's license. Mr. Martin stated that his parents made him go to college, while all along, he
159 wanted to become a Barber. Once his legal problems happened, and he gave up his teaching license, he
160 discussed his options with his family, and went to cosmetology school. Mr. Martin submitted a letter from his
161 therapist for the Board's review.

162
163 **MOTION:**

164 Ms. Rodgers made a motion to go into executive session for legal advice. Ms. Curtis seconded the motion,
165 which carried unanimously.

166 **MOTION:**

167 Ms. Webb made a motion to return to public session. Ms. Brown seconded the motion, which carried
168 unanimously.

169 The Board returned from executive session where no votes were taken or motions made.

170 **MOTION:**

171 Ms. Rodgers made a motion to approve the license with a two year probationary term. Mr. Martin will submit
172 a SLED report at the end of each year to the Board at his own expense. Ms. Webb seconded the motion,
173 which carried unanimously.

174
175 **Approval of License with Background Report -Shannon C. Belton**
176 Ms. Belton appeared before the Board to answer questions regarding her recent felony drug charge in which
177 she was convicted. Ms. Belton stated that she attended Pre-Trial Intervention (PTI), and is now waiting for
178 the other charges on her background check to be expunged. Ms. Belton stated she was convicted of the recent
179 charges because the drugs were found in her home in the possession of one of her visitors, and in the
180 microwave when the police searched the house. Ms. Belton stated she did not know the visitor was on drugs
181 or taking drugs in her home. She was given a sixty-day sentence to serve on the weekends without probation.
182 Ms. Belton stated she has a job waiting for her if the license is granted.

183 **MOTION:**

184 Ms. Webb made a motion to approve the license. Ms. Brown seconded the motion, which carried
185 unanimously.

186
187 **Approval of License with Background Report - Stephanie C. Mickens**
188 Ms. Mickens appeared before the Board to answer questions regarding her background report. Ms. Mickens
189 stated that the 2008 charge ran concurrent with the 2012 charge because there was an outstanding \$75 fine
190 that was not paid. Because of the non-payment, a bench warrant was issued in 2012 on the 2008 case. Ms.
191 Mickens stated that she recently paid the \$75 fine, and has not had any new charges since 2008. Regarding
192 the 2008 case, there was a gun in her car, but understood that there would not be any charges against her and
193 the charge would be expunged from her record. Apparently the people who had the gun and drugs are still in
194 jail, but she was released. Based on the Boards review of documents, the case is still open. Regarding the
195 2007 charge, Ms. Mickens explained that the charges came about because her boyfriend had drugs on him and
196 was in her house when the police arrived.

197
198

199
200
201
202
203
204

MOTION:

Ms. Curtis made a motion to table the determination on the license until Ms. Mickens could obtain a letter from her attorney stating the case will be expunged. Ms. Webb seconded the motion, which carried unanimously.

205
206
207
208

MOTION:

Ms. Curtis amended her motion to table the case until September 11, 2012 when Ms. Mickens can reappear before the board with a letter from her attorney stating the case will be expunged. Ms. Brown seconded the motion, which carried unanimously.

209
210
211
212
213
214
215
216
217

Approval of License with Background Report - Amanda N. Jordan

Ms. Jordan appeared before the Board to answer questions regarding the 2003 and 2009 felony and misdemeanor charges. Ms. Jordan explained that she was charged with being in receipt of stolen goods. Ms. Jordan stated she purchased a computer from a guy. She went to purchase a charger for the computer, and was charged with receiving stolen property. In addition, Ms. Jordan explained she was getting on a jet ski, and was intoxicated. The domestic violence charge was against her for hitting her boyfriend with a cup holder. She was sentenced to paying a fine and had to attend anger management class. Ms. Jordan stated that she was struggling financially and did not have the money to pay the seven hundred dollar fine.

218

MOTION:

219 Ms. Rodgers made a motion to approve the license with a one year probationary period. Ms. Jordan must also
220 supply the Board with a SLED report at the end of the year at her own expense. Ms. Webb seconded the
221 motion, which carried unanimously.
222

223
224
225
226
227
228
229

Approval of License with Background Report - Tabitha K. Norton

Ms. Norton appeared before the Board to answer questions regarding her background check. Ms. Norton stated that in 2009 she was charged with drug possession and sentenced to three years in prison, and drug rehabilitation. She took the opportunity to get her GED while in jail. Ms. Norton stated she then pursued her cosmetology training after she completed her parole. Ms. Norton stated that she has changed her life and her friends.

230

MOTION:

231 Ms. Curtis made a motion to go into executive session for legal advice. Ms. Rodgers seconded the motion,
232 which carried unanimously.
233

234

MOTION:

235 Ms. Rodgers made a motion to return to public session. Ms. Webb seconded the motion, which carried
236 unanimously.
237

238

The Board returned from executive session where no votes were taken or motions made.

239

MOTION:

240 Ms. Curtis made a motion to approve the license with a two year probationary period. During the probation
241 period Ms. Norton will supply the Board with a SLED report at the end of each year at her own expense. Ms.
242 Brown seconded the motion, which carried unanimously.
243

244

Approval of License with Background Report - Brandon B. Matthews

245 Mr. Matthews appeared before the Board to answer questions regarding his background report spanning
246 2004-2010. Mr. Matthews stated that he was charged with fraudulent credit cards. He stated that the person
247 who actually had the credit cards fled the state. There were four people with the suspect, and were all

248 charged. The credit card charge against him was dismissed because the card was not in his possession. Mr.
249 Matthews explained that in 2005 there was a fight that occurred, but there was no weapon. The assault
250 charge, however, stuck and was not dismissed because the altercation happened in a public place. Mr.
251 Matthews stated that in 2010 he attended a family party, and there was drinking involved. The party got loud
252 and the police were called.

253
254 **MOTION:**

255 Ms. Brown made a motion to approve the license. Ms. Webb seconded the motion, which carried
256 unanimously.

257
258 **Approval of License with Background Report - Darneca T. Walker**

259 Ms. Walker appeared before the Board to answer questions regarding her background report with a 2008
260 felony. Ms. Walker stated that her boyfriend was selling drugs, and he was in her apartment when he was
261 arrested. Ms. Walker stated she completed probation, and went to classes for six to twelve weeks.

262 **MOTION:**

263 Ms. Rodgers made a motion to approve the license. Ms. Nye seconded the motion, which carried
264 unanimously.

265
266 **Approval of License with Background Report - Christina J. Rollins**

267 Ms. Rollins appeared before the Board to answer questions regarding her 2010 felony charge. Ms. Rollins
268 stated that she meet someone who was underage. She went to jail because she was twenty-one, and he was
269 fourteen going on fifteen. Ms. Rollins stated she went to court on August, 2010, and was convicted to serve
270 five years of probation. She is currently attending sex offender treatment classes, and hopefully the charges
271 will be removed from her record. She has to complete the classes, and was on monitoring for the first year,
272 but the monitor has now been removed. Ms. Rollins stated that she cannot be within 1,000 feet of a school.
273 Ms. Rollins stated that she does not have a job yet, and must have every job offer approved first. February,
274 2013, will be her half-way mark, as she attends classes twice per week. She is registered in South Carolina
275 and Florida, but has never been in any trouble before.

276
277 **MOTION:**

278 Ms. Curtis made a motion to approve the license with a three year probationary period. Ms. Rollins must
279 supply the Board with a SLED report at the end of each year, at her own expense. Ms. Brown seconded the
280 motion, which carried unanimously.

281
282 **Approval of License with Background Report - Bethany Jewel Simmons**

283 Ms. Simmons appeared before the Board to answer questions regarding her background report. Ms. Simmons
284 stated that there were three charges. The 2009 charge was for a weapon she purchased legally, however, she
285 failed to obtain the concealed weapon permit. The weapon was in her purse, and not in the concealed box or
286 trunk. Ms. Simmons stated that the experience was traumatic when she was arrested in 2009. She was
287 released in April and paid a \$260 fine, and was advised to not to get into any trouble for the next three years
288 so that the charges could be expunged. Ms. Simmons stated that the charges have changed her life, and she
289 would now like to get on with her life, and obtain her license.

290
291 **MOTION:**

292 Ms. Rodgers made a motion to approve the license. Ms. Brown seconded the motion, which carried
293 unanimously.

294
295 **Probationary License with Additional Charges - Natacha Leanne Pitman**

296 Ms. Pitman was asked to appear before the Board because she has a current Order with the Board of
297 Cosmetology dated July 18, 2011 with a one year probationary period stated. While under the Board Order
298 Ms. Pitman was arrested on July 31, 2011. Ms. Pitman was charged with a DUI, DUS and providing a false
299 name. All charges are currently pending in the Pickens County Magistrate Office. Ms. Thompson stated that

300 the purpose of the hearing was to determine if the Board should take action against the license based on the
301 new July 31, 2011 charges and arrest. Ms. Pitman testified that she went out with friends. Her friend could
302 not drive so she drove, and was pulled over by the police. She gave a false name to the police, and her
303 driver's license was under suspension. All charges are still pending.

304
305 **MOTION:**

306 Ms. Curtis made a motion to go into executive session for legal advice. Ms. Rodgers seconded the motion,
307 which carried unanimously.

308
309 **MOTION:**

310 Ms. Webb made a motion to return to public session. Ms. Brown seconded the motion, which carried
311 unanimously.

312
313 The Board returned from executive session where no votes were taken or motions made.

314 **MOTION:**

315 Ms. Curtis made a motion to suspend the license. Ms. Rodgers seconded the motion, which carried
316 unanimously.

317
318 Ms. Thompson let Ms. Pitman know that a final Order would be sent to her covering the details of the
319 suspension determination.

320
321 **Approval of Licenses with Education Concerns -Thao T. Nguyen**
322 Ms. Nguyen was asked to appear before the Board because she submitted nail technician education
323 documents received from Crystal's Beauty Academy located in Woodbridge, VA. Based on state research,
324 Crystal's Beauty Academy is only authorized to teach Cosmetology, and not a nail technology program. Ms.
325 Nguyen was not present to answer questions.

326
327 **MOTION:**

328 Ms. Rodgers made a motion to deny the license. Ms. Curtis seconded the motion, which carried unanimously.
329

330 **Approval of Licenses with Education Concerns -Geffrey L. Jeter**
331 Mr. Jeter appeared before the Board to answer questions about his cosmetology education hours. Based on
332 documents submitted, Mr. Jeter completed 776.40 hours at the Fairfield Career Technology Center, and 409
333 hours at Denmark Tech for a total of 1,185.40 hours. A total of 314.60 hours are still required to bring the
334 total hours to 1,500. Mr. Jeter insisted that he completed the 1,500 hours, and will not take any additional
335 training hours. The Board explained to Mr. Jeter that the academic hours he took are not transferrable, and
336 the March 14 and 16, 2007 examination scores reported to the Board are now expired, and he did not receive
337 a license because of the shortage of hours back in 2007. It was also explained to Mr. Jeter that the Board has
338 never allowed academic hours to transfer over to another school. He would be required to complete the
339 minimum of 1,500 hours of education. Ms. Thompson told Mr. Jeter to contact Denmark Tech for assistance.

340
341 **MOTION:**

342 Ms. Curtis made a motion to deny the request based on the shortage of education hours. Ms. Webb
343 seconded the motion, which carried unanimously.

344

345 **Approval of License by Endorsement - Ryan A. Lilly**
346 Mr. Lilly was asked to appear before the Board because he obtained a license in West Virginia, and now
347 wants to endorse his license into South Carolina. However, West Virginia is not an NIC state, and Mr. Lilly
348 did not want to take the NIC written and practical examinations. Mr. Lilly was not present to answer
349 questions.

350

351 **MOTION:**

352 Ms. Rodgers made a motion to deny the license by endorsement. Ms. Webb seconded the motion, which
353 carried unanimously.

354

355 **Discussion**

356

357 **Mobile Nail Technicians**

358 Ms. Thompson stated that there was no such thing as a Mobil Nail Technician because it could not be
359 inspected. If a licensee is donating their service and time at an event, it may be okay if the event was pre-
360 approved by the Board first, and the answer is usually no.

361 **Public Comments**

362 Ms. Coleen Large asked if there were exceptions for medically home bound people. The Board replied it
363 would consider each request on a case by case basis.

364

365 Ms. Cubitt let the Board know that LLR's finance department is working on their revised financial report, and
366 that Ms. Pace would return to the Board meeting on Tuesday, September 11, 2012 to address questions.

367

368 **Adjournment**

369

The next meeting of the SC Board of Cosmetology is scheduled for September 11, 2012