

South Carolina Board of Cosmetology
Telephone Conference or Board Meeting
11:00 a.m., January 20, 2012
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 202
Columbia, South Carolina

TRANSCRIPT OF PROCEEDINGS

This hearing was held before the South Carolina Board of Cosmetology and reported by Kimberly T. Power, Court Reporter and Notary Public in and for the State of South Carolina, at 11:00 a.m. on Friday, January 20, 2012.

1 APPEARANCES

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3 BOARD MEMBERS VIA CONFERENCE CALL

4 ROSANNE KINLEY, Chairman

5 MELANIE THOMPSON

6 KATHERINE WEBB

7 SELENA BROWN

8 DELORES GILMER

9 CYNTHIA RODGERS

10

11

12 BOARD STAFF (LLR)

13 DEAN GRIGG

14 BYRON RAY

15 SHIRLEY WIDER

16 MALINDA PRESSLEY

17 ROSELIND BAILEY-GLOVER

18

19 OTHERS PRESENT

20 ANDREW ROGERS

21 LITA RIVERA

22 TUYEN THANH THI TRUONG

23 KIM DUONG

24

25

1 MS. CHAIRMAN: I call this meeting to order.

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

8 Rules of the meeting. No one speak out of
9 order and it's going to be very difficult with the
10 conference call. So if you would, please identify
11 yourself. I'm assuming we do have a court reporter in
12 the room.

13 MR. RAY: That is confirmed.

14 MS. CHAIRMAN: So we do -- if you do speak on
15 the conference call, you will need to identify yourself
16 for the court reporter. Introduction of board members
17 and all others attending for the record. Rosanne Kinley
18 is on the line. We have Melanie Thompson, vice chair.
19 There's Selena Brown. We have Cindy Rodgers. And as far
20 as I know, we are missing Kathy Webb and Delores Gilmer.
21 Hopefully they will be signing in soon and we will let
22 the other members in the office --

23 (Phone beeps.)

24 MS. CHAIRMAN: Who is this?

25 MS. GILMER: Delores Gilmer.

1 MS. CHAIRMAN: Hey, Delores. I was just doing
2 roll call and we've called the meeting to order. Thank
3 you for joining us today. We'll let those there in the
4 room identify themselves for the record.

5 MR. RAY: Byron Ray, administrator.

6 MR. GRIGG: And this is Dean Grigg, your
7 advice counsel.

8 MS. WIDER: Shirley Wider, staff.

9 MS. PRESSLEY: Malinda Pressley, staff.

10 MS. GLOVER: Roz Bailey-Glover, staff.

11 MS. CHAIRMAN: Okay. I'm getting something
12 really loud.

13 MS. GILMER: Delores Gilmer, board member.

14 MS. CHAIRMAN: I got you, Delores. Thank you.
15 I'm just trying to identify who is in the room. I heard
16 Shirley and then I don't think I heard anything after
17 that.

18 MS. PRESSLEY: Malinda Pressley, staff.

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

20 MR. ROGERS: Andrew Rogers, Office of General
21 Counsel.

22 MS. WEBB: Hey, Kathy Webb.

23 MS. CHAIRMAN: Perfect. Thank you. We just
24 identified -- and I do believe we have Lita Rivera on
25 line also?

1 MS. RIVERA: Yes, ma'am.

2 MS. CHAIRMAN: Did Ms. Truong -- was she given
3 a specific time or just eleven o'clock to call in?

4 MR. RAY: She was given eleven o'clock. I
5 spoke with her sister a few minutes prior to the meeting.

6 MS. TRUONG: I'm here on the line.

7 MS. CHAIRMAN: Okay. Thank you. I didn't
8 hear you. Thank you for joining us. Is there anyone
9 else on the line?

10 MS. DUONG: Well, it's my sister, Tuyen, and
11 I'm her sister-in-law. I'm translating for her. And my
12 name is Kim.

13 MS. CHAIRMAN: You'll have to be sworn in when
14 we reach that point.

15 MS. DUONG: Okay.

16 MS. ROGERS: Rosanne, this is Cindy. I'm
17 sorry. I didn't hear. She said this was her sister or
18 sister-in-law.

19 MS. DUONG: Sister-in-law.

20 MR. GRIGG: The sister-in-law. Can you state
21 your name one more time?

22 MS. DUONG: Yes. My first name is Kim and my
23 last name is spelled D-U-O-N-G.

24 MR. GRIGG: Z-U-O-N-G?

25 MS. DUONG: No, D as in David.

1 MR. GRIGG: Oh, D. I'm sorry.

2 MS. DUONG: D-U-O-N as in Nancy, G as in Gary.

3 MR. GRIGG: All right.

4 MS. CHAIRMAN: All right. That's everybody in
5 the office and everybody on the line; is that correct?

6 MR. RAY: That's correct.

7 MS. CHAIRMAN: So we don't have any approval
8 of excused absences. Everyone was able to join us today.
9 Approval of the agenda. I'll entertain a motion.

10 MS. THOMPSON: I make a motion to approve the
11 agenda with any deviations deemed necessary.

12 MS. RODGERS: I second the motion. Cindy
13 Rodgers.

14 MR. GRIGG: Guys, I'm sorry. That was Melanie
15 speaking. But y'all need to state for the record every
16 time you talk who it is so the court reporter --

17 MS. CHAIRMAN: She did.

18 MS. RODGERS: I said it at the end, but I think
19 somebody might have been talking on top of me.

20 MR. GRIGG: I think I was talking over you. I
21 apologize.

22 MS. CHAIRMAN: Thank you. I have a motion and
23 a second on the table. Is there any further discussion?

24 (No response.)

25 MS. CHAIRMAN: Hearing none, all in favor

1 they had a job move. So as you know, she was my
2 compliance person. So we're trying --

3 MS. CHAIRMAN: Yeah. I just saw Charlie's
4 e-mail. Has she already actually left?

5 MR. RAY: She has. She was only able to give
6 me like a two day notice or something, but she's gone.

7 MS. CHAIRMAN: She will be missed.

8 MS. WEBB: Kathy Webb. Madam Chair, is there
9 a way that -- and, Byron, thank you so much for telling
10 us that. But is there a way that like, of course, we've
11 had a ton of changes in this last, what, six months, you
12 know. But is there a way that we can know when people
13 that work with a cosmetology area, can we get an e-mail
14 that they have left or whatever so that we would know?

15 MR. RAY: Sure, we can do that.

16 MS. WEBB: I know you've got your hands full
17 and I'm not trying to -- but I was just thinking because
18 there are a lot of times that I've called to talk to
19 somebody and didn't even know they were -- you know, they
20 were not there, they were gone. So I just wondered if
21 there was a possibility of that.

22 MR. RAY: I've got it on my tickler.

23 MS. WEBB: Thank you so much.

24 MS. THOMPSON: This is Melanie Thompson. And,
25 Byron, it may be helpful too if you want to send an

1 e-mail telling us too -- we recognize Malinda's name from
2 working with her over the years. We obviously recognize
3 Roz and Shirley. But could you just send us an e-mail
4 telling us who is doing what at this point so we know who
5 is responsible for what?

6 MR. RAY: Okay.

7 MS. THOMPSON: I think we could better
8 streamline our requests.

9 MR. RAY: Okay.

10 MS. THOMPSON: Thank you.

11 MS. CHAIRMAN: So moving on. First on our
12 agenda is Lita Rivera. Ms. Rivera is on the line with us
13 today. If the court reporter would swear her in, please.

14 MR. GRIGG: Actually, Rosanne, court reporters
15 aren't allowed by law to do it, so I'm going to do it
16 over the phone.

17 MS. CHAIRMAN: I'm sorry. What?

18 MR. GRIGG: Court reporters aren't allowed by
19 law to swear somebody in over the phone.

20 MS. CHAIRMAN: Oh, okay.

21 MR. GRIGG: So I'm going to do it. Okay.

22 Thank you. And if I get in trouble, I just get in
23 trouble.

24 (LITA K. RIVERA, being duly sworn to tell the
25 whole truth and nothing but the truth, testified as

1 follows:)

2 MR. GRIGG: All right. Thank you very much.

3 Rosanne, you may proceed.

4 EXAMINATION

5 BY MS. CHAIRMAN:

6 Q. Ms. Rivera, you were before us at our last
7 public board meeting?

8 A. Yes, ma'am.

9 Q. And the question, if I remember correctly, was
10 your lack of hours with the State of New York and you had
11 submitted work experience, but it was back from 1999 and
12 nothing current?

13 A. Right.

14 Q. Is that correct?

15 A. Yes. Yes, ma'am.

16 Q. And you attested that you had been
17 continuously employed this whole time. So we asked that
18 you produce more recent documentation of work experience,
19 and I do have before me now W2s from 2010, 2009, and 2008
20 which would substantiate the 500 hour difference between
21 South Carolina and New York's required hours.

22 MS. THOMPSON: This is Melanie Thompson. I
23 make a motion to approve.

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

25 This is Selena Brown.

1 MS. CHAIRMAN: We now have a motion and a
2 second for approval of Lita Rivera to accept her hours
3 from New York and allow her to sit for the examination.
4 Is there any further discussion?

5 (No response.)

6 MS. CHAIRMAN: Hearing none, all in favor
7 signify by saying aye.

8 (Ayes.)

9 MS. CHAIRMAN: Opposed?

10 (No response.)

11 MS. CHAIRMAN: Motion carried. I couldn't
12 hear. But I'm assuming since I heard no nays, that
13 everyone voted affirmative on that. Ms. Rivera, thank
14 you for supplying us with the needed information. We
15 look forward to your success in South Carolina.

16 MS. RIVERA: Thank you very much.

17 MS. CHAIRMAN: Thank you for attending today.

18 MS. RIVERA: Will I be getting my license in
19 the mail?

20 MS. CHAIRMAN: Mr. Ray, if you could address
21 that.

22 MR. RAY: Yes. That is confirmed. She has to
23 take the exam first.

24 MS. RIVERA: I already took the exam.

25 MS. CHAIRMAN: Yeah, she's already taken the

1 examination.

2 MS. RIVERA: I've already passed.

3 MR. RAY: Yes. Everything -- everything
4 should be in order. We will get that out to her.

5 MS. RIVERA: Like a week? I'm just curious
6 because I'm at work right now and, you know, I'm supposed
7 to have it on my station. I just have my paper that I
8 passed my test right now.

9 MR. RAY: That sounds reasonable. We'll get
10 it out as soon as possible.

11 MS. RIVERA: Okay. Thank you so much.

12 MS. CHAIRMAN: Ms. Rivera, if you don't
13 receive it in the mail within, let's say, ten business
14 days, you just give Mr. Ray a call to follow up on that.

15 MS. RIVERA: Okay.

16 MS. CHAIRMAN: Okay. But you should be fine
17 to work.

18 MS. RIVERA: Thank you very much.

19 MS. CHAIRMAN: Thank you, Ms. Rivera. Have a
20 good day.

21 MS. RIVERA: Thank you. You too.

22 MS. CHAIRMAN: Moving on next on the agenda we
23 have Tuyen Thanh Thi Truong. Ms. Truong, are you on the
24 line?

25 MS. TRUONG: Yes.

1 MS. CHAIRMAN: We do need Ms. Truong to do
2 most of the speaking. At any time one of you do speak,
3 you'll have to identify yourself as you've heard for the
4 court reporter. Dean, do we need to swear them in also?

5 MR. GRIGG: Rosanne, actually what I'm going
6 to do on this since we're continuing -- we're basically
7 reopening the case because of some new information that
8 they appeared last time in front of you, I'm just going
9 to remind Ms. Truong and Ms. Duong -- am I saying that
10 correctly -- that you're under the same oath that you
11 swore to previously.

12 MS. WEBB: Excuse me. I'm sorry. I have just
13 clicked back in. My phone, the whole thing just clicked
14 off, Kathy Webb here, before -- right after Melanie
15 finished speaking with Byron. And I've been trying to
16 get back on here and it kept flicking me off again.

17 MS. CHAIRMAN: So you weren't here for the
18 vote for Ms. Rivera?

19 MS. WEBB: No, I was not.

20 MS. CHAIRMAN: Okay. We approved her hours
21 and that was in an affirmative vote. But for the record,
22 show that Ms. Webb's line had dropped and she was not on
23 there during that vote.

24 MR. GRIGG: And, Rosanne, does Kathy have a
25 descending vote or just for the record did she have a

1 descending vote in that matter?

2 MS. CHAIRMAN: Kathy, did you have a vote in
3 that?

4 MS. WEBB: That's fine. I'm good with that.

5 MS. CHAIRMAN: What he's asking for -- what
6 he's asking for is you were not -- from what the
7 record -- from the information you were forwarded to read
8 over, did you see any reason that you would have voted
9 against it?

10 MS. WEBB: No, not at all. I would have been
11 for. Yes.

12 MR. GRIGG: All right. Moving on then. I
13 think we're ready for Ms. Truong.

14 MS. CHAIRMAN: Ms. Truong, when you attended
15 the board meeting a week or so ago, there were several
16 questions as to your credentials that were submitted to
17 the board also, one of which we had a record of
18 completion that had come from Von Lee College, School of
19 Cosmetology in California. We had one dated that the
20 office received that on August 24, 2011. It was -- as we
21 said, it was a transcript of hours from a California
22 school dated 2002. It was notarized by a South Carolina
23 notary. Again, it was resubmitted for whatever reason.
24 Roz, you may be able to help out with the reason. It was
25 resubmitted and received in the board office December 2,

1 2011. At that time in the office, it looked like it had
2 not been notarized even though it says underneath it not
3 valid without the school seal, and -- but later the
4 original showed that it had had a seal placed on it. Is
5 that correct, Byron?

6 MR. RAY: That is Matilla's file and it is
7 correct. I do have it. Well, Dean has it in his
8 possession right now.

9 MR. GRIGG: I was about to say, Rosanne, I'm
10 looking at it right now. And if you remember, I called
11 you as soon as we found this document.

12 MS. CHAIRMAN: Yes.

13 MR. GRIGG: And, again, just for the record --
14 and I know it's on the record from the previous hearing.
15 But just for the record, if y'all recall, Ms. Truong
16 asked if we had not received her original documentation
17 or if we had it or what. We have since found it and --
18 and it does have -- just for the board members. I know
19 y'all can't see it, but you'll have to trust me. But
20 Byron and myself and Roz and anybody else here can look
21 at it and assure you it does have an original raised seal
22 from Von Lee College. So it is appropriately sealed.

23 MS. CHAIRMAN: And, yes, I believe you shared
24 that with Melanie and myself.

25 MS. THOMPSON: This is Melanie Thompson. I

1 think, if I'm correct, there were two issues regarding
2 this particular applicant. It was the issue of the
3 original transcript from the school not having the seal
4 or not -- no evidence of the seal on our copy, which that
5 part has been rectified now with the original that Dean
6 has. The other issue was that the transcript sent in has
7 been notarized in South Carolina for a California school,
8 and there was the question of the legitimacy of that and
9 the notary was the second issue with this application.

10 MR. GRIGG: I think it was the same document,
11 wasn't it, Melanie? I mean, it was just a copy.

12 MS. THOMPSON: No. It may be the same
13 document, but there were two questions. One for the seal
14 from the school which you know on the bottom of the
15 transcript it specifically stated not valid without a
16 school seal and we didn't see the seal, and then the
17 other issue was the actual notary stamp has been done in
18 South Carolina much later than the 2002 in California.
19 The question is the documents are supposed to be signed
20 in front of the notary.

21 MR. GRIGG: Well, actually, this document does
22 not require a notary and you are absolutely correct.
23 It -- it -- the problem was that copy that we had at that
24 last hearing obviously did not have the raised seal on
25 it. What it had in its place, and you're absolutely

1 right, Melanie, was it had a notary from the State of
2 South Carolina where I think it was pretty clear that
3 that copy had been taken to be notarized obviously
4 sometime after the signature that had been put on the
5 signature line. So you are correct about that.

6 But I just want to make sure we are all clear
7 for the record it doesn't require both a seal and a
8 notary. I think -- I think what happened was somebody
9 decided to go try to fix the fact it didn't show the seal
10 on it by having it notarized. So if you've got any
11 questions about that, that's perfectly understandable.
12 But I think it's the same document and just, again,
13 looking at it, you know, it needs the school seal to be
14 valid. It does not also need a notary in addition to
15 that.

16 MS. THOMPSON: Right. No, that was definitely
17 my understanding. It was not my understanding that it
18 needed both. The question was that one -- one copy we
19 had had a notary stamp from much later and one copy had
20 nothing.

21 MR. GRIGG: And you're right about that. Yes,
22 ma'am.

23 MS. GILMER: Can I ask a question? Has any of
24 that been corrected by the plaintiff? Has any of that
25 been corrected?

1 MS. CHAIRMAN: Well, the original document was
2 found in the office with the raised seal. It's just not
3 visible on our paper because it was a white raised seal.
4 And that was the question on that Monday of the board
5 meeting because it was -- to the board member's copy it
6 was not visible and to us it looked like it was
7 non-existence.

8 MS. GILMER: It more or less corrected itself?

9 MR. GRIGG: Well, Delores, to answer your
10 question, it was originally correct. The original
11 document is accurate and correct and has what it should
12 have on it. The problem was -- and I don't know that we
13 will ever know why or how or what. But the problem was
14 what was presented to y'all was a copy, not the original.
15 And as Melanie has already said to you, it did not have a
16 seal that we could notice on it. What it had was a
17 notary from the State of South Carolina.

18 MS. GILMER: Okay.

19 MS. CHAIRMAN: The question that Ms. Thompson
20 had was why was -- and I don't even know that actually
21 it's Ms. Truong's fault, I just think that notaries
22 should be held to accountability notarizing documents
23 that they obviously did not witness.

24 MS. GILMER: That's right. That's true.

25 (Inaudible.)

1 MR. GRIGG: Y'all, I'm sorry. One at a time,
2 please.

3 MS. WEBB: Kathy Webb. How does that happen
4 when they don't know if they've done this or not?

5 MS. GILMER: I think they just don't take time
6 to read. This is Ms. Gilmer.

7 BOARD MEMBER: I'm sorry, Rosanne. I got cut
8 off too, but I'm back on.

9 MS. GILMER: Yes, something is wrong with the
10 lines.

11 MS. CHAIRMAN: Thank you for joining back in.

12 Again, you know, I don't know -- and, again, like I said,
13 I don't know that this is Ms. Truong's to answer, but
14 there should be repercussions for notaries that blatantly
15 disregard what they are sworn to uphold.

16 MS. GILMER: True.

17 MS. THOMPSON: And I've seen this -- this is
18 Melanie Thompson again. This particular notary seal I
19 have seen on several packets, so it must be someone that
20 does it quite often. And I really don't know the proper
21 steps, but I agree there needs to be accountability for
22 them not doing what they pledge to do by being granted a
23 notary status. The reason there was a question to begin
24 with was it was, you know, a Michigan resident,
25 California school, and then now wanting licensure in

1 South Carolina.

2 MS. GILMER: Yes, that was an issue also.

3 MS. THOMPSON: That situation I think three
4 times during the same board meeting. So when you add
5 that to the fact that there was a notary seal from South
6 Carolina on a California document several years later, it
7 all just became too questionable.

8 MS. WEBB: Kathy Webb. Is there a way that we
9 can check -- and I'm just asking this, okay, or whatever
10 because I'm -- can we just go back -- can we find out
11 about this notary?

12 MS. CHAIRMAN: I can look into that after the
13 board meeting to see what can be done there.

14 MR. GRIGG: Yeah. Y'all, I don't think that's
15 something we need to do on the record or worry about
16 right now. That's something if there's a complaint that
17 needs to be made or something as far as the notary, I
18 agree with you they should be accountable. I think
19 that's something we need to take care of at a different
20 time.

21 MS. CHAIRMAN: Is there any other --

22 MS. WEBB: Kathy Webb again, though. Is this
23 all the validity of everything with this and we see this
24 before, that's what I'm asking. Is there some way or the
25 other that we can check the validity of that notary or

1 are we saying that, okay, it had expired. I don't know.

2 MS. BROWN: May I interrupt? I'm sorry. This
3 is Selena. The document that we are trying to approve
4 has already been stamped by the notary in California from
5 the school? Is that what we're looking at?

6 MR. GRIGG: It's been stamped by the school.
7 The document requires -- to be valid, the document
8 requires, like most official transcripts, a seal from the
9 school.

10 MS. BROWN: Right. So the seal is legal?

11 MR. GRIGG: On the original document it is
12 accurate and legal. Yes, ma'am.

13 MS. BROWN: Okay.

14 MR. GRIGG: The problem was y'all weren't
15 presented with that at the hearing. What we had, as
16 Melanie has already noted, is --

17 MS. BROWN: I'm looking at the one that we had
18 in our packet. But she did catch that, that it was South
19 Carolina notary. But we didn't have the original
20 document.

21 MR. GRIGG: No, ma'am. The copies for some --
22 for whatever reason, the copier is not picking up the
23 raised seal. So when y'all had copies, you weren't able
24 to see the raised seal. And what you can see is
25 obviously that notary from South Carolina. But I'm

1 holding the original in my hand and --

2 MS. BROWN: Right. And I believe I saw the
3 original because it was presented at the last meeting. I
4 think we saw it.

5 MR. GRIGG: No, ma'am. It wasn't discovered
6 until after y'all had already gone home for the evening.

7 MS. BROWN: Right.

8 MS. RODGERS: So that's why Dean -- this is
9 Cindy Rodgers. That's why Dean said we would have to take
10 his word for seeing the corrected document with the
11 corrected seal from California.

12 MR. GRIGG: And you don't have to take mine.
13 We've got five other people in here that can look at it
14 if you want.

15 MS. CHAIRMAN: And Dean showed it to myself
16 and Melanie afterwards also. So we have seen the raised
17 seal and felt it and visibly seen the raised seal.

18 BOARD MEMBER: So is that all that's in
19 question, Rosanne, is just that?

20 MS. CHAIRMAN: Well, that and the fact that it
21 was notarized incorrectly on the original document that
22 was received four months -- three months earlier for
23 whatever reason.

24 BOARD MEMBER: So we cannot hold her
25 accountable for that, can we?

1 MS. CHAIRMAN: Probably not.

2 BOARD MEMBER: We have to account for the
3 notary.

4 MS. CHAIRMAN: So that was the big question
5 that day and that has been --

6 MS. BROWN: Madam Chair, this is Selena. Are
7 you ready?

8 MS. CHAIRMAN: That's the board's call. That
9 is the board's call. The question is, is the board
10 ready? Is there any more -- is there any questions for
11 Ms. Truong or Ms. Duong?

12 MR. GRIGG: Yeah. If anyone has any
13 questions, now is the time to ask me or Ms. Truong or
14 whoever. If somebody feels comfortable enough that they
15 want to make a motion, go for it. It's purely your
16 pleasure.

17 MS. BROWN: Madam Chair, this is Selena Brown.
18 I would like to make a motion for approval.

19 MS. GILMER: Second. Ms. Gilmer.

20 MS. CHAIRMAN: I have a motion and a second on
21 the table for approval for Ms. Truong. Is there any
22 further discussion?

23 (No response.)

24 MS. CHAIRMAN: Hearing none. All in favor
25 signify by saying aye.

1 BOARD MEMBER: Aye.

2 MS. CHAIRMAN: Opposed?

3 MS. THOMPSON: Nay, Melanie Thompson.

4 MS. WEBB: Nay, Kathy Webb.

5 MS. CHAIRMAN: Okay. And I apologize. It's
6 very difficult doing a count over a conference call. So
7 if it's okay, Dean, I'd like to poll each member
8 individually.

9 MR. GRIGG: Yeah, let's do that. Who are
10 the -- who are the yeses?

11 MS. GILMER: Me, Ms. Gilmer.

12 MS. BROWN: Selena Brown.

13 MR. GRIGG: I'm sorry. I heard Delores. Who
14 else?

15 MS. BROWN: Selena Brown.

16 MR. GRIGG: Selena. Okay. Anybody else
17 register a yes vote?

18 MS. THOMPSON: Nay.

19 MR. GRIGG: Okay. Melanie was a nay. And
20 anybody else enter a nay vote?

21 MS. WEBB: Kathy Webb.

22 MR. GRIGG: Kathy.

23 BOARD MEMBER: I've heard the phone kind of
24 coming in and out. I don't know who is on the line to
25 vote or not.

1 MS. GILMER: I heard that too.

2 MR. GRIGG: Okay. Have we lost -- Cindy, are
3 you here?

4 MS. GILMER: I don't think Cindy is here.

5 MS. WEBB: Kathy Webb. Just to tell you, all
6 of a sudden, literally, you're on there for the
7 conference call and then all of a sudden it just goes out
8 for no reason.

9 MR. GRIGG: Are we missing anybody other than
10 Cindy?

11 MS. CHAIRMAN: Can we give her a minute to
12 sign back in?

13 MR. GRIGG: Is that Cindy? Cindy, are you
14 back with us?

15 MS. RODGERS: I'm sorry. Rosanne, it's me. I
16 think we were taking a vote when I got cut off again.

17 MS. CHAIRMAN: I was hoping you were going to
18 be able to call back in. Your vote was?

19 MS. RODGERS: I'm -- I'm a nay on that because
20 I'm just not comfortable with what I can't see. I
21 hate -- I mean, I understand that we've got good counsel
22 and everything, but I'm just not comfortable enough
23 making that -- that motion. So mine was nay.

24 MS. CHAIRMAN: Okay. So, Dean, can you give
25 me that count?

1 MR. GRIGG: All right. So I have -- I have
2 Delores and Selena were yeses to approving. And I have
3 Melanie, Kathy, and Cindy that were nays. Is there
4 anybody I'm missing?

5 MS. CHAIRMAN: That's a full board.

6 Ms. Truong, I'm sorry, the vote is not in your favor
7 today. The board has denied your application for
8 licensure.

9 MS. DUONG: Okay. Well, this is Kim speaking.

10 What can be done about this? I mean, I understand that
11 we're all on a conference call and they can't physically
12 see the seal. But, I mean, is there any way we can
13 resolve this because, I mean --

14 MS. CHAIRMAN: Mr. Ray or Mr. Grigg, our
15 advice counsel and administrator, can advise you of your
16 legal grounds for appeal. And Mr. Ray, if you could or
17 Dean or Byron either one, if y'all could make contact
18 with Ms. Truong immediately following the meeting and
19 advise her of her legal options.

20 MR. RAY: Okay.

21 MS. CHAIRMAN: Ms. Truong, Mr. Ray will be
22 calling you following the conference call today.

23 MS. TRUONG: Okay.

24 MS. CHAIRMAN: Okay?

1 MS. CHAIRMAN: Moving on to disciplinary
2 education.

3 MR. GRIGG: Rosanne, can I get you to hold up
4 for a second?

5 MS. CHAIRMAN: Certainly.

6 BOARD MEMBER: Somebody just went out.

7 MR. GRIGG: Ms. Truong, Ms. Duong, are y'all
8 still with us?

9 MS. BROWN: Yes.

10 MR. GRIGG: I'm sorry. Who said yes?

11 MS. BROWN: That was Selena.

12 MR. GRIGG: I'm asking if the applicant or her
13 interpreter are still with us.

14 (No response.)

15 MR. GRIGG: All right. Guys, I've got to ask
16 y'all a question. Is the only reason, Kathy, as you
17 stated, that you can't see this document, that you're
18 uncomfortable with seeing this document and you would
19 feel better if you saw it in person?

20 MS. CHAIRMAN: That was Cindy.

21 MR. GRIGG: I'm sorry. Cindy.

22 MR. RODGERS: No, no. I still have a question,
23 Dean, I'm not real comfortable with that South Carolina
24 seal and California and all the different changes that
25 was made, and I'm just not comfortable with it because

1 I'm not -- I think there's been too many changes from
2 state to state and things just don't add up in my eyes.
3 I mean, that's just me.

4 MS. WEBB: And I've seen the seal, I've seen
5 the whole thing. I've seen it before. Kathy Webb. I'm
6 sorry. I've seen this whole deal before that, you know,
7 and it was an expired seal and I'm just not comfortable.
8 That's why I was asking is there any way we can check.
9 That was my question for that one reason. Can we check a
10 situation out with a -- with a notary to see -- you
11 understand what's going on? I just don't feel
12 comfortable, period.

13 BOARD MEMBER: It's questionable. It's
14 questionable. There's too many -- there's too many --
15 like the South Carolina seal on a California state
16 license. I mean, if you can get that done that's not
17 right, what else isn't right? And I'm not there to
18 really feel comfortable without making that -- that
19 motion any other way.

20 MS. WEBB: Kathy Webb. Excuse me, Dean. I
21 know that that wasn't actually the one thing in question,
22 you know, today, what we were voting. But at the same
23 time, why would someone put a South Carolina seal on a
24 California -- you understand? It's just not right.
25 Something is still not -- it just doesn't add up to me.

1 MS. RODGERS: The one word I did hear just a
2 minute ago, Kathy, it may have come from you and I'm not
3 sure, somebody used the word, "expired notary." Did I
4 hear that?

5 BOARD MEMBER: There was one in the past is
6 what --

7 MS. RODGERS: Okay. Because originally we
8 thought this was an expired notary seal, but clearer copy
9 of it was not --

10 MR. GRIGG: It was not expired.

11 MS. RODGERS: It looks like on our copy two
12 weeks ago that it said August 2010, but it does say
13 August 2018. I know that was a question that we --

14 MR. GRIGG: Y'all, can we -- would somebody
15 entertain a motion for executive session?

16 MS. THOMPSON: So move. Melanie Thompson.

17 BOARD MEMBER: Second.

18 MS. CHAIRMAN: I have a motion and a second to
19 enter into executive session. All in favor signify by
20 saying aye.

21 (Aye.)

22 MS. CHAIRMAN: Opposed?

23 (No response.)

24 MS. CHAIRMAN: Motion carried.

25 (Executive Session.)

1 MS. CHAIRMAN: We're entering now back into
2 public session. For the record, there were no motions
3 made or votes taken during executive session. Moving on
4 to the agenda. Disciplinary classes -- disciplinary
5 education. I'm sorry.

6 MR. ROGERS: Madam Chair, members of the
7 board, good morning.

8 MS. CHAIRMAN: Good morning.

9 BOARD MEMBER: Good morning.

10 MR. ROGERS: This is Andrew Rogers with the
11 Office of General Counsel. I've got two matters that I'd
12 like to address with you today. The first matter is
13 only -- they're related matters. They're both discipline
14 matters. The first matter relates to the classes that
15 we're having people take.

16 As you are aware, the Board of Cosmetology has
17 requested that the Office of General Counsel change some
18 of the standard language in our consent agreement. Many
19 of our consent agreements include required education
20 classes. We used to refer to these classes as continuing
21 education courses, but the board has asked us to refer to
22 them now as disciplinary corrective education courses.
23 We are intending to cut down on potential confusion that
24 licensees might believe that they can take one course and
25 count it twice, once for their licensure requirements and

1 once for their disciplinary requirements. This was an
2 admirable goal, but I believe it has led to unintended
3 consequences.

4 The current consent agreement language
5 requires the licensees to take legal sanitation
6 disciplinary corrective education courses. These
7 licensees understand that any classes required by a
8 consent agreement is separate from any class that is
9 required for licensure because the classes have different
10 names.

11 The problem is that there are no disciplinary
12 corrective education courses offered in South Carolina.
13 By changing how we refer to the classes in the consent
14 agreements, the board has created an unintended trap
15 licensees need to take a class that does not exist. They
16 want to abide by the consent agreements, but they are
17 unable to do so because they cannot find the appropriate
18 class. Until they take a disciplinary education course,
19 their license is -- the licensee is in violation of their
20 consent agreement and they are subject to further
21 disciplinary action by the board.

22 As it stands now, these licensees will never
23 be able to fully comply with their consent agreements.

24 MS. THOMPSON: Mr. Rogers, this is Melanie
25 Thompson.

1 MR. ROGERS: Yes, ma'am.

2 MS. THOMPSON: The first thing I'd like to say
3 is that the board from day one of implementing these
4 classes have always called them discipline classes. We
5 have never, ever referred to them as continuing
6 education. That, I think, was a confusion in the
7 multiple changeover of staff and people coming in working
8 with the Cos board who are not familiar with the lingo to
9 begin with.

10 MR. ROGERS: Yes, ma'am.

11 MS. THOMPSON: So that's first and foremost.

12 The board has always referred to them as discipline
13 classes. The second issue is I know for a fact, I can
14 name you three providers right now who offer the
15 discipline classes who have stood up in public comment
16 session of a meeting and said, "We haven't had anybody
17 call requesting these classes. Are they still being
18 assigned?" So the classes do exist, they are being
19 offered by providers, but they're not being attended by
20 the person who is being assigned to take them.

21 MS. CHAIRMAN: Or they're not being given to
22 these licensees that have been required to take these
23 classes. They are not listed on the Web site because
24 those were only continuing education classes.

25 MS. THOMPSON: Exactly.

1 MS. CHAIRMAN: Those classes most certainly do
2 exist.

3 MR. GRIGG: Can we all identify who is
4 speaking?

5 MS. THOMPSON: There was one point there was
6 someone who worked with us on staff who was going to
7 compile a list for us of all providers and the dates that
8 they were going to offer them because there was
9 confusion. Jacqueline Golden is who stood up in public
10 comment and said, "I have the classes and nobody called
11 me." And then Nancy Page (phonetic) stood up and stated
12 the same thing.

13 So there was supposed to have been a master
14 list compiled that was going to be kept by staff so that
15 when anyone did have to take a class, that list was going
16 to be pulled out, the person was going to be given the
17 option of classes across the state so that there was not
18 one particular provider being favored and there was not
19 one particular area of the state to decrease any
20 burden -- extra burden that it might place on the person
21 who had to take it.

22 So this has been discussed multiple times and
23 made out there that there's definitely classes out there.

24 MS. CHAIRMAN: This is Rosanne. Why would you
25 think that there were no classes being offered?

1 MR. ROGERS: Okay. The reason -- the reason I
2 worry about that is because I have got right now a couple
3 of licensees that are through the most current consent
4 agreement language who are trying to take courses. I've
5 got this one guy, I've got to look on my desk to get his
6 name, but he calls me about every other week because he
7 is concerned that he is going to lose his license because
8 he can't find a disciplinary corrective education course.

9 MS. CHAIRMAN: As well he should be. But an
10 entire huge list from the School Owners Association was
11 forwarded to Shirley Widener (phonetic) three weeks ago
12 for the 2012 class dates as I know Nails, Skin and Hair
13 of America has and I can only assume that the other
14 providers have done.

15 MR. RAY: Yeah. Because I did inquire of
16 Shirley and she didn't get back to me any kind of answer.
17 Didn't seem like she knew.

18 MS. CHAIRMAN: At the time Gloria Smith with
19 the School Owners Association copied them to myself and
20 to Shirley, and Shirley said -- actually, I inadvertently
21 said, "Shirley, can you put these on the Web site?" Her
22 reply back to me was, "I thought the board didn't want
23 them on the Web site since they weren't continuing ed."
24 And I'm like, "Oh, my mistake. You're exactly right."
25 So I do know that Shirley has those classes. Now,

1 where -- where in that deep, dark hole that y'all call
2 LLR they are supposed to be posted, I have no idea. But
3 there are multitudes of those classes that are offered
4 out there.

5 MS. THOMPSON: And this is Melanie again. And
6 at one point I believe, and I may be wrong on this, when
7 we had DRC, and I realize DRC is a thing of the past, but
8 at the particular point we had DRC, whoever was on staff
9 that worked directly with DRC is who was going to compile
10 that list. I want to say it was Jessica, but I wouldn't
11 swear to that.

12 MR. RAY: I inquired with her as well prior to
13 her leaving and she didn't seem to know. She thought
14 Beth Cumalinder might have had them. But I inquired of
15 Shirley, Beth Cumalinder, Jessica. Nobody could come up
16 with it.

17 MS. THOMPSON: Okay. Well, this could very
18 easily remedied. All we have to do is make a phone call
19 to the president of each continuing education association
20 and simply ask them if they offer the three hour
21 discipline legal class and/or sanitation class. And if
22 so, have them e-mail you their class dates and locations.

23 MR. RAY: That would be super.

24 MS. CHAIRMAN: I know that probably -- this is
25 Rosanne -- probably in November -- early November of this

1 past year, I got an e-mail from Sherry Phillips
2 (phonetic) giving me the list of dates that she was
3 canceling because she had had absolutely no one
4 registered for any of the classes. And they -- these
5 people reserve hotel rooms that they are charged for if
6 they don't, you know, cancel in a timely manner. So I
7 don't know who dropped the ball in that building, but
8 it's not the Board of Cosmetology.

9 MR. ROGERS: And, ma'am, I want to be very
10 clear. I was not accusing the board of anything here. I
11 was merely trying to share with you an observation of a
12 problem that I had seen and remedy that I was proposing
13 to try and fix those problems. I'm definitely not trying
14 to insinuate that the board has done anything wrong or
15 has neglected any responsibilities here. I was just --

16 MS. CHAIRMAN: And I understand that and I
17 apologize for the attitude I cropped immediately, but
18 this is yet just another instance of a job not getting
19 done in there. I mean, yes, I agree with you, Andrew.
20 We -- we -- the board requires these classes to be
21 mandated to these licensees that commit these
22 infractions, and yet it's getting lost. And that's why
23 we kept bringing it back up. Because I said, who is red
24 flagging these people to make sure that civil penalties
25 are obtained and that the classes are taken? And

1 obviously this -- obviously this problem goes back a lot
2 longer than just January 1st of 2012.

3 MR. RAY: Sure.

4 MS. WEBB: Kathy Webb. I wanted -- I wanted
5 to say something.

6 MR. RAY: Don't forget to identify yourself
7 for the court reporter.

8 MS. WEBB: I did. Kathy Webb. I wanted --
9 that's the reason the same situation that I mentioned and
10 I asked just about the -- I mean, I'm just going with
11 what Rosanne just said -- mentioned. The same thing with
12 the SLED report and SLED CATCHES. We don't know are they
13 being taken care of? Are they being checked? It's still
14 the same problem, though. But anything that we have that
15 has to be done outside of let's just say taking these
16 classes, nobody knows anything. Nobody knows. Have they
17 been through the SLED CATCHES? Nobody knows.

18 MR. RAY: The point this question was posed to
19 me and we got everything set up for Jessica to start
20 getting the information, and as I told you earlier in the
21 meeting now Jessica is gone. So we are going to have to
22 revamp on those resources. But just as far as fixing
23 this particular situation, if I could get that
24 recommendation from you again, I'll jot it down and we
25 can maybe move forward on this particular item unless

1 there are other questions or concerns.

2 MR. ROGERS: And, ladies, as long as -- my
3 only concern is that if I am requiring licensees and
4 respondents to adhere to certain rules and certain -- and
5 fulfill certain obligations, I just want to make sure
6 that those -- it's possible for them to do so. As long
7 as we can find classes for them, then that's great.

8 MS. CHAIRMAN: This is Rosanne. And I
9 absolutely respect and appreciate and I agree with you.
10 We can't require them to do something that we don't
11 offer. But had we been notified about this months ago --
12 I have a feeling that this all fell apart when we quit
13 having DRC. Because at that point over a year ago, it
14 was brought to our attention -- well, it could have been
15 even two years ago, that the DRC chairman was only
16 handing out one set of classes and we put a stop to that.
17 We said, no, you can't favor one area or one association.
18 And the board dictated that, you know, every single class
19 be handed to every licensee that was required to take the
20 classes that they could choose and pick and then we would
21 give them a time line as to when it had to be obtained.
22 I have no idea when that ceased to exist.

23 MR. ROGERS: And I just wanted to bring that
24 to the board's attention. If there's a solution out
25 there, then that's really my only concern. My second --

1 MS. THOMPSON: I'm sorry. Is this Byron? I
2 think you had asked -- this is Melanie. You had asked
3 for the recommendation to be restated?

4 MR. RAY: Yes, ma'am.

5 MS. THOMPSON: Were you referring to what my
6 recommendation was?

7 MR. RAY: Yes, please.

8 MS. THOMPSON: If you will just -- the
9 quickest, I think, resolution would be a phone call to
10 the president of each of the continuing education
11 associations.

12 MR. RAY: Okay. I might need some assistance.

13 MS. THOMPSON: And simply ask them if they
14 provide a discipline class in addition to their con ed
15 classes. And for those who do, ask them to send you an
16 e-mail with their dates, time, and location. And then
17 that list -- a master list can be compiled and can be
18 given to Andrew and he can then make a copy for everybody
19 who are assigned the classes and then they can choose
20 which one they're going to attend.

21 MR. RAY: All right. Sounds perfect. I've
22 got it. Thank you so much.

23 MS. THOMPSON: You're welcome.

24 MR. ROGERS: Thank you, ladies. And my second
25 question was more of a housekeeping matter that I don't

1 anticipate a ruling on at this time, but just wanted to
2 put a thought in your mind for further contemplation. I
3 know your board meetings keep getting longer and longer,
4 and at this point we're down to two day meetings. I was
5 going to make a suggestion it seems like we're having
6 more and more disciplinary cases that are going to be
7 coming in front of the board, and those are just -- those
8 will increase your board meetings and increase the time
9 that the board meetings take.

10 And I want you to consider whether or not you
11 want to start delegating a day for hearings and maybe
12 having a day out of your two day schedule to be a hearing
13 day or whether or not you wanted to contemplate assigning
14 a hearing officer to hear disciplinary matters. The way
15 that some boards choose to do this is they designate a
16 person, either a board member or somebody that the board
17 trusts, to serve as a hearing officer. There's a
18 transcript of the hearing. The hearing officer will make
19 a recommendation on the record. They don't have to.
20 Some boards choose them to, some boards choose not to.
21 Then the board members can review the transcripts at
22 their leisure before the next board meeting, and then
23 they can make a ruling on the record as to that case
24 rather than sitting in full panel during the full board
25 meetings.

1 MR. GRIGG: Andrew, if you've already looked,
2 that's fine. I'm trying to pull it up right now and
3 can't.

4 MS. GILMER: Excuse me. This is Ms. Gilmer
5 just returning. I was cut off.

6 MS. CHAIRMAN: Thank you for coming back on.

7 MR. GRIGG: And I'm sorry, y'all. One of
8 y'all may know or Andrew may have looked it up. I'm
9 trying to pull it up on my computer right now. But to
10 use a panel hearing officer, you have to have that
11 authority in your Practice Act. I don't know off the top
12 of my head if you have that or not.

13 MS. CHAIRMAN: I don't know that off the top
14 of my head either.

15 MR. GRIGG: For some reason I can't pull it up
16 right now.

17 MS. THOMPSON: This is Melanie. What I was
18 going to say to that, I would not as a board member feel
19 comfortable relinquishing any other type of disciplinary
20 authority out. We already have the IRC which has been
21 debated as to whether or not, you know, the board wishes
22 and desires are actually happening and we have no control
23 or jurisdiction over that.

24 MR. GRIGG: That's a completely different
25 function, though, Melanie, than what --

1 MS. THOMPSON: No, no. I understand. My
2 point is that with the hearings, we either need to, in my
3 opinion, come up with a time frame depending on the
4 length of the agenda for that particular meeting or
5 establish another day on a certain schedule that the
6 board can consider hearings.

7 MR. ROGERS: Yes, ma'am. And I just wanted to
8 make sure that it was just on your radar that the more
9 cases I have -- I have more cases coming through the work
10 and through the pipeline which means that it's going to
11 require more -- even greater time requirements on the
12 board, and I just wanted to make sure that you ladies
13 were aware of that for your own scheduling purposes.

14 MS. CHAIRMAN: Okay. So what we can do,
15 Andrew -- this is Rosanne -- if you can keep me abreast
16 on what you see coming down the pike, and then the board
17 can discuss whether they want to designate the second day
18 of every other month board meeting as hearing day or if
19 they want to, you know, pick one day a month to hear
20 these.

21 MR. ROGERS: Okay. And I'll wait for your
22 guidance through Byron. At this point I will anticipate
23 that the second day of your meetings will be
24 disciplinary, and the first day will be for the rest of
25 your agenda. If that changes, if Byron will just let me

1 know just because I need to make sure that I give the
2 licensees sufficient notice of their hearing day. And so
3 I can't juggle it, you know, move it just one day.

4 MS. CHAIRMAN: I understand that. I
5 understand that. That will be fine with me. Is the rest
6 of the board in agreement with that.

7 (Yes.)

8 MS. CHAIRMAN: That's the general consensus,
9 then, Andrew, that at this point going forward, that
10 second -- that Tuesday of our board meeting will be for
11 hearings and disciplinary actions.

12 MR. ROGERS: Thank you for your time, ladies.
13 That's all I have for you today.

14 MS. CHAIRMAN: Thank you, Andrew. Going on
15 under new business, the PCS training affidavit. We were
16 looking these over and I'm assuming, Dean, Byron, help me
17 along here, that we kind of changed these up because of
18 noticing it says South Carolina notary on there?

19 MR. RAY: I do suspect that is indeed the
20 case.

21 MS. CHAIRMAN: Who did these then if it
22 wasn't --

23 MR. RAY: PCS. It was PCS.

24 MS. CHAIRMAN: Thank you. Bob Mackelhaney had
25 sent a comment, but I don't fully agree with his comment

1 because his comment said the only thing he didn't see on
2 here was the grade that they made. Well, we've never
3 asked that on training affidavit. If they have come out
4 of a school, then our regs say that they passed with a
5 score set forth by the school. So I don't think we need
6 to see that. And he also asked for school code. I'm not
7 sure that that needs to be on there either since we do
8 have the school name and address and a school code would
9 only be relevant to a South Carolina school anyway.

10 MS. THOMPSON: No. I think the national
11 accreditation system has a school code.

12 MS. CHAIRMAN: But I don't see where we would
13 need a school code on here.

14 MS. THOMPSON: Well, I think that it helps --
15 this is Melanie. It would help -- it helps in validation
16 of whether or not the school is legitimate or not. If
17 you see that there's a school code there, it's just one
18 more step in identifying that is a professionally,
19 accredited, legitimate school rather than Melanie decided
20 to open up Melanie's Hair Academy.

21 MS. CHAIRMAN: This is Rosanne again. Then if
22 we do that, then we're going to have to ask for an entire
23 list of every school in the countries, codes to
24 crosscheck it with. We'll have to have that on file.

25 MS. THOMPSON: Well, I don't necessarily know

1 that we have to do that because if you look back through
2 some of these other applications, there was a couple of
3 times where the school actually just wrote in school code
4 blah, blah, blah. So the ones who are familiar with it
5 are going to be the ones that they are legitimate
6 accredited schools and they're going to want to fill it
7 in and then the other ones are going to write not
8 applicable.

9 MS. CHAIRMAN: But this is the training
10 affidavit. So help me out. I still don't know where
11 that's going to add credibility because there are
12 legitimate schools that are not accredited.

13 MS. THOMPSON: I'm not saying that the ones
14 who wouldn't have a school code would automatically be
15 assumed not be credible. I'm just saying that the ones
16 who do have a school code, that's just one more piece of
17 insurance for us that we can simply glance at the
18 affidavit and go, oh, school code.

19 MS. WEBB: Kathy Webb. I agree on that.

20 MS. THOMPSON: But I wouldn't want it to ever
21 negatively -- if the school doesn't have a code, I
22 wouldn't want that to have such a negative light that we
23 would assume that they're not legit. I was just thinking
24 that it would actually just add benefits and simplify the
25 process. For those who knew what it was, we would

1 automatically know that they were accredited.

2 MR. RAY: If I can interject. You know, from
3 this end, you know, with the ambiguity between the ones
4 that are accredited and not, it would cause more problems
5 on our end just, you know, from a staffing standpoint
6 right now. The big thing -- the question that I wanted
7 to pose to the board is that, you know, we're getting
8 calls from South Carolina school instructors who are
9 questioning if they should put their academic hours under
10 the unassigned area. If you look at the very last bottom
11 part of the column. And that's what they wanted to know
12 on the new training affidavits.

13 MS. CHAIRMAN: I'm sorry. I didn't
14 understand. I mean, don't they have to have 20 hours of
15 unassigned -- they can do it any -- that can be any
16 modality that they wanted to add on.

17 MR. RAY: Okay. So would you be okay if they
18 did put it in an area, they just want --

19 MS. CHAIRMAN: Yeah.

20 MS. THOMPSON: This is Melanie again. What do
21 you mean, academic hours? Are you talking about the
22 vocational schools?

23 MR. RAY: Yes, if I remember correctly.

24 MS. THOMPSON: No. They can't use their
25 academic -- I mean, they can't -- they can't change the

1 ratio of cosmetology hours versus academic hours they are
2 already given. They cannot substitute that, no. It has
3 to be cosmetology-related unassigned.

4 MS. CHAIRMAN: Yeah. Because they're only
5 going at 1,000 hours.

6 MS. RODGERS: Rosanne, this is Cindy. So
7 you're saying they have -- in a vocational school they
8 have so many hours of lab, which is cosmetology, and then
9 so many academic hours and those they cannot alter; is
10 that right?

11 MS. CHAIRMAN: No. Exactly. Yeah. It's a
12 1500 hour school requirement. We allow them to obtain
13 500 hours in their high school curriculum classes. The
14 1,000 hours that they get in cosmetology are cosmetology
15 only. I mean, this -- this -- this affidavit has not
16 changed that much. I mean, I don't know why they would
17 be calling you up now and asking you that. These hours
18 haven't changed on there. What's changed is the --
19 the -- who's actually putting their name where and -- you
20 know, the hours didn't change.

21 MR. RAY: Right. Well, Matilla asked me the
22 question. She is on vacation. So, you know, I wanted to
23 propose it to you.

24 MS. CHAIRMAN: The only thing that changed on
25 that affidavit under subject was state law threading and

1 unassigned specific hours, the ones that are bolded. And
2 then they changed the instructor's signature, the
3 person's name and the notary and took out South Carolina.
4 So, you know, I don't know where that question would have
5 come from or if it's just updating it to our new regs.

6 MS. THOMPSON: This is Melanie. I have just
7 one more question about this, Rosanne. You know, we
8 removed South Carolina from that because to hopefully
9 alleviate the situation we had earlier today, but some
10 states are not going to have state law regulation code
11 15 -- I mean, not 15. I'm sorry. But code, the 15 hours
12 there. What about if that causes them to have a
13 deficiency in the 1500 hours that we require because
14 their state that they come from doesn't have anything in
15 that category? Should we --

16 MS. CHAIRMAN: There probably needs to be one
17 specifically for South Carolina schools and then one that
18 is out of state.

19 MS. THOMPSON: Or having two separate forms I
20 think would become more confusing. If we could just add
21 a line on there that says if inside -- within South
22 Carolina or a South Carolina school, then state law blah,
23 blah, blah. And if not, it would be N/A.

24 MS. CHAIRMAN: Well, okay, going back. As
25 long as it totals 1500 hours because there's going to be

1 a lot of states -- and, in fact, I would venture to say
2 most states don't have threading in their curriculum
3 right now. But what we're looking at outside of that, is
4 they have 1500 hours because we don't put those hours
5 anywhere else on here. We don't know where else on this
6 affidavit it says cosmetology 1,055. It doesn't break it
7 down into more specifics. You see what I'm saying?

8 MS. THOMPSON: Yeah. But I'm just -- I'm just
9 wondering, I mean, would it raise a red flag to anybody
10 if that line is simply skipped over and left blank or
11 should we have the option there of specifying, you know,
12 not applicable or how many hours they received in that?

13 MS. BROWN: What are you speaking of?
14 Melanie, this is Selena.

15 MS. THOMPSON: On the affidavit where it's
16 talking about state law and how many hours they received
17 in state law and then the grand total of 1500 hours, if
18 the applicant is coming from a state that they do not
19 teach any state law so that that particular student
20 received any credit there, if that line of this affidavit
21 is skipped over, is that going to raise a red flag for
22 anybody who looks at it and pose a problem. And if so,
23 should we amend this to be able to alleviate that.

24 MS. BROWN: I don't think we should amend it.
25 I think we should leave it there because this is the

1 application -- this is Selena -- for the state -- for
2 South Carolina. But if they were coming from another
3 state and they did not have state law, they couldn't
4 leave it blank.

5 MS. THOMPSON: That was my question. Leaving
6 it blank, would that pose a problem?

7 MS. BROWN: If they had the specific number of
8 hours that were required, if it's the 1500 hours, then
9 they need to have 1500 hours. In teaching cosmetology
10 myself, I know that when I taught, we -- we had the law
11 book, you know, the rules and the regulations. We were
12 to teach that throughout the process. That's the way I
13 used to do it and just teach it as I did every section
14 that required that we talk about the laws.

15 MS. THOMPSON: Right. And that's fine. You
16 were teaching in a South Carolina school. My concern was
17 any delay caused unnecessarily to an applicant coming in
18 who had been taught in a state other than South Carolina.

19 MS. BROWN: Well, if it's -- if it's NIC
20 school national, they would have to have something. If
21 we have to look at all the affidavits from the state to
22 see whether they're doing that or look at their
23 curriculum.

24 MS. CHAIRMAN: Actually, this is Rosanne, I
25 would like to have a motion to table this. I'd like to

1 do some more work on it. I'd like to look at this more
2 thoroughly. I don't think this is something -- I've
3 listened to all your comments. I would like to look on
4 it and then submit it back to the board.

5 MS. WEBB: I'm Kathy Webb. I'd like to make a
6 motion to table this.

7 MS. BROWN: I second the motion to table it.

8 MS. CHAIRMAN: I have a motion and a second on
9 the table to -- motion and a second to table the PCS
10 training affidavit. Any further discussion?

11 (No response.)

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

14 (Aye.)

15 MS. CHAIRMAN: Opposed?

16 (No response.)

17 MS. CHAIRMAN: Motion carried. Thank you. Is
18 there anything else?

19 R. RAY: That's all I have.

20 MR. GRIGG: I don't have anything else. Thank
21 y'all for your time.

22 MS. CHAIRMAN: Then I'll entertain a motion to
23 adjourn.

24 MS. THOMPSON: So moved.

25 MS. GILMER: Second.

1 MS. CHAIRMAN: I have a motion and a second
2 for adjournment. All in favor signify by saying aye.

3 (Aye.)

4 MS. CHAIRMAN: Opposed?

5 (No response.)

6 MS. CHAIRMAN: Motion carried. Thank you all
7 for your time.

8 (The hearing adjourned at 12:25 p.m.)

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CERTIFICATE OF REPORTER

I, Kimberly T. Power, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing telephone conference/board meeting was taken before me on the date and at the time and location stated on page 1 of this transcript; that the witnesses were sworn to testify to the truth, the whole truth, and nothing but the truth; that the testimony of the witnesses made at the time of the hearing were recorded stenographically by me and were thereafter transcribed; that the foregoing transcript as typed is a true, accurate and complete record of the proceedings telephonically made at the time to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 20th day of February, 2012, at Richland County, South Carolina.

Kimberly T. Power, Court Reporter
Notary Public, State of South Carolina
My Commission Expires: 07/22/2015