

## MINUTES

South Carolina Board of Cosmetology

10:00 A.M., March 8, 2004

Board Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Pat Adams, Chairman, of North, called the meeting to order at 10:12 a.m. Other Board members attending the meeting included: Rosanne Kinley, Vice Chairman, of Anderson; Katherine Busby, of West Columbia; Delores Gilmer, of Charleston; Ruth Settles, of Greenville; and Melanie Thompson, of Myrtle Beach.

Staff members participating at various times during the meeting included: Ronnie Blackmon, Inspector; Sandra Dickert, Administrative Assistant; Eddie Jones, Administrator; and Shirley Wider, Program Coordinator.

Members of the public included: Frances Archer, Andy Cao, Pearl Clark, Tami Floyd-Fogleman, Wanda Jo Lindler, Susan Mole, Chesley Phillips, Nancy Poole, Catherine Stabler, Carol Toney, Ken Verburg, Bernard Vuong, and Nicole Wilkins.

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

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Jones delivered the invocation.

Rules of the Meeting Read by the Chairman

Ms. Adams read the rules of the meeting for all those in attendance.

Introduction of Board Members and All Other Persons Attending

The Board members, staff and members of the public introduced themselves for the record.

Approval of the January 12, 2004 Meeting Minutes and the November 10, 2003 Executive Session Minutes

MOTION

Ms. Gilmer moved the minutes from the January 12, 2004 meeting and the executive session minutes from the November 10, 2003 meeting be approved as presented. Ms. Busby seconded the motion, which carried unanimously.

## Approval of Agenda

Ms. Kinley asked that discussion of the NIC Region One meeting be added as item six under new business.

Ms. Adams asked that the report from the braiding committee be added as item seven under new business.

## MOTION

Ms. Kinley moved to approve the revised agenda with the additions. The motion was seconded by Ms. Thompson and unanimously carried.

## Chairman's Remarks

Ms. Adams stated she attended a subcommittee meeting on February 11, 2004 in regard to a bill introduced by Senator Elliott. She further stated that the bill deals with the braiding issue. She indicated that during the meeting Senator Moore asked that the members present during the subcommittee meeting to meet with Senator Elliott during the subcommittee meeting to determine if a compromise could be reached. She went on to say that following the subcommittee meeting she set a meeting of the braiding committee for February 16, 2004. She said that the committee established a proposal during the meeting, which would be discussed later in the meeting.

Ms. Adams stated that she was privileged to attend the competitions sponsored by the school owners association. She indicated that it was an excellent competition. Ms. Kinley asked that the Chairman send a letter to the winners of the competition.

## Administrator's Remarks

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the March 8, 2004 meeting.

Legislative Update, If Needed, Legislative Liaison Office

Mr. Jones stated the braiding bill is the only bill that has been introduced, however, he understands Representative Rice will be introducing a bill. He indicated the compromise bill regarding the braiding issue has not yet been introduced.

## Ratification of Mail-In Ballots

a. Ballot 1 - Approval of Practical Exam for Rebecca J. Carlton

Rebecca Carlton was a licensed cosmetologist whose license lapsed during the 1999/2000-license year. She has had medical problems with her eyes over the past three years and had not renewed her license since the 2000 license year. She requested the Board's approval to waive the practical exam and allow her to take a continuing education class and pay the late fees to obtain her license.

## MOTION

Ms. Kinley moved the Board ratify mail ballot one. Ms. Thompson seconded the motion, which carried unanimously.

b. Ballot 2 - Approval of Change of Ownership for the Institute of Cosmetic Arts

On January 6, 2004 the Board received an application for change of ownership for the Institute of Cosmetic Arts, located in Spartanburg, from Sheila Hawkins to Kenneth Shuler Hair Styling Schools. Since the application was received too late to be placed on the agenda, the Board received the pertinent information, with a mail ballot, and asked to cast their vote in this matter. The Board members were also informed that the ballot would be ratified during the March 8, 2004 meeting. The members unanimously voted to approve the change of ownership.

MOTION

Ms. Settles made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board ratify ballot two.

c. Ballot 3 - Approval of Curriculum for Student Instructor Training Program offered by Betty Stevens Cosmetology Institute

On January 6, 2004 the Board received a request from Ernie Buck, owner of the Betty Stevens Cosmetology School, requesting the Board approve a curriculum for student instructor's training program. Since the request was received too late to be placed on the agenda, the Board received the pertinent information, with a mail ballot, and asked to cast their vote in this matter. The Board members were also informed that the ballot would be ratified during the March 8, 2004 meeting. The members voted unanimously to approve the curriculum.

MOTION

Ms. Gilmer moved the Board ratify ballot three. The motion was seconded by Ms. Busby and unanimously carried.

d. Ballot 4 - Approval of Final Inspection Report on St. James High School

On August 1, 2003 Ms. Thompson, Board member, and Mr. Raymond Lee, staff inspector/investigator, conducted a final inspection on St. James High School, so that the school could be issued a school license. The Board members were mailed a ballot along with the final inspection report and were asked to cast their vote in this matter. The members were informed that the ballot would be ratified during the March 8, 2004 meeting. The members unanimously voted to approve the final inspection report.

MOTION

Ms. Busby made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board ratify ballot four.

e. Ballot 5 - Approval of February 2004 DRC Reports

On February 2, 2004 the DRC met and approved the DRC Report, the Complaints Approval Report, the Case Disposition Report and the Disciplinary Report. Since the Board would not be meeting again until March 8, 2004 the members were mailed a ballot with the pertinent information and were asked to cast their vote in approval or disapproval of the reports. The members were informed that the ballot would be ratified during the March 8, 2004 meeting. The Board unanimously approved the February 2, 2004 DRC Reports.

## MOTION

Ms. Gilmer moved the Board ratify ballot five. Ms. Busby seconded the motion, which carried unanimously.

### f. Ballot 6 - Approval of Waiver to Teach for Laurel Cromwell

On January 25, 2004 staff received a letter from Laurel Cromwell indicating she had been misinformed by staff regarding the instructor's practical exam and was unable to take the instructor's practical exam in December 2003. She asked the Board to approve an extension in teaching until she could take the exam on March 15, 2004. Since the Board had just met and would not be meeting again until March 8, 2004, the members were mailed a ballot along with the pertinent information and were asked to cast their vote in this matter. The members were informed the ballot would be ratified during the March 8, 2004 Board meeting. The Board voted to approve this request by a majority vote with five members voting in favor of the request and one member voting against the request.

## MOTION

Ms. Kinley made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board ratify ballot six.

### g. Ballot 7 - Approval of Rescheduled Continuing Education Classes for NCA of SC

On February 3, 2004 the Board received a request from Ms. Echo Morris, FEC chairman for the National Cosmetology Association of SC, asking for the Board's approval of the rescheduling of a continuing education class postponed due to inclement weather. The class was scheduled and approved by the Board to be held on January 25, 2004 at the York Technical Institute in Rock Hill and was rescheduled for February 15, 2004 at the same facility. Ms. Morris also requested the Board's approval on the rescheduling of the FEC Workshop approved for August 15, 2004 to be rescheduled to August 28, 2004 and the continuing education class scheduled to be held in Charleston on November 7, 2004 be rescheduled to November 14, 2004. Since the Board would not be meeting again until March 8, 2004, the members were mailed a ballot along with the pertinent information and were asked to cast their vote in this matter. The members were notified that the ballot would be ratified during the March 8, 2004 meeting. The Board voted to approve this request by unanimous vote on the FEC Workshop and the November 2004 continuing education class and a majority vote with five members voting in favor of the request and one member abstaining from the vote on rescheduled Rock Hill class (from January 25, 2004 to February 15, 2004).

## MOTION

Ms. Gilmer made a motion, seconded by Ms. Busby and unanimously carried, that the Board ratify ballot seven. Ms. Kinley noted that she abstained from voting on the rescheduling of the class from January 25, 2004 to February 15, 2004. She indicated there was not enough time to vote in this matter.

## Unfinished Business

Ms. Adams stated the independent committee she formed to study the practical exam

bids would be meeting on March 19, 2004. The Board was informed that the committee would be held in confidential session.

## New Business

### 1. Approval of Application

#### a. Andy H. Cao

On July 2, 2001 staff received a nail technician application from Andy Cao. After reviewing the application, staff found it could not approve the application and brought the application before the Board during the September 10, 2001 Board meeting. During the meeting the Board was informed that the shop where Mr. Cao was engaged in unlicensed practice was cited three (3) times for employing unlicensed personnel before the license was revoked. Ms. Kathy Stephens, staff inspector, had observed Mr. Cao engaging in unlicensed activity during a routine inspection of a salon on August 10, 2001. The Board voted unanimously to deny Mr. Cao's application. On September 21, 2001, Ms. Adams signed an order denying Mr. Cao's application for a license to practice as a nail technician. (Note: The applicant did not complete the application. Questions #7 and #8 remain unanswered. The applicant's signature was not notarized.) He is now attempting to get reinstated.

Mr. Cao appeared before the Board at this time.

Ms. Adams informed Mr. Cao the Board could not make a decision on the application until the application has been completed.

### 2. Approval of Reciprocity Applications

#### a. Bernard S. Vuong

Mr. Bernard S. Vuong has submitted a reciprocity application to become licensed as a cosmetologist in South Carolina. Mr. Vuong is originally from Cambodia, where he attended high school. He fled Cambodia during the war and was unable to bring any documentation regarding his high school graduation. He is asking the Board to waive the proof of high school education requirement and allow him to become licensed.

Mr. Vuong appeared before the Board at this time.

Ms. Adams asked Mr. Vuong if he took a practical exam to obtain licenses from Washington and Alaska. He stated he took a practical exam in Alaska. He obtained his license from North Carolina by reciprocity.

## MOTION

Ms. Settles made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board approve Mr. Vuong's application for reciprocity.

#### b. Linda Brigman Melton

Ms. Linda Brigman Melton has submitted a license application to become licensed as a cosmetologist in South Carolina. Ms. Melton was originally licensed in North Carolina on November 5, 1989. Staff contacted the school district and was informed that the records

for the time Ms. Melton was attending school are no longer available. Ms. Melton is petitioning the Board to waive the proof of tenth grade education.

#### MOTION

Ms. Settles moved the Board accept Linda Melton's application. Ms. Kinley seconded the motion. Ms. Busby asked if Ms. Melton's education was in question. The motion carried with a majority vote. Ms. Busby voted nay.

#### 3. Approval of School Curriculum and Student Contract

##### a. Institute of Cosmetic Arts (Kenneth Shuler School of Cosmetology & Nail Design)

During the January 12, 2004 meeting, the Board completed mail ballots and voted to approve the change of ownership of the Institute of Cosmetic Arts from Sheila Hawkins to Kenneth Shuler. Steven Dawson, Operation Manager of the Kenneth Shuler School of Cosmetology, has submitted the school curriculum, student handbook/catalog and contract for the Board's review and approval.

#### MOTION

Ms. Gilmer moved the Board approve the school curriculum and student contract. Ms. Settles seconded the motion, which carried unanimously.

#### MOTION

At 10:55 a.m., Ms. Kinley made a motion, seconded by Ms. Thompson and unanimously carried, that the Board take a ten minute recess.

#### Return to Public Session

The Board returned to public session at 11:12 a.m.

#### 4. Approval of Taking Nail Technician Exams as Opposed to Cosmetology Exam or Making Inactive Status Retroactive

##### a. Wanda Jo Slyce Lindler

On February 11, 2004 the Board received a letter from Ms. Wanda Jo Slyce Lindler. Ms. Lindler became totally disabled in June 2000 and is currently living on her social security benefits due to a disease of unknown origin. Ms. Lindler had been licensed as a cosmetologist and was working as a nail technician in a salon until she could no longer continue to work due to muscle pain and other symptoms. Ms. Lindler's license lapsed on March 10, 1999. Her physician recently changed her medication and her health has improved somewhat. Since her license lapsed in March 1999, Ms. Lindler is required to take the practical exam prior to her license being reinstated.

Ms. Lindler is asking the Board to allow her to take the nail exam instead of the cosmetology exam or that she be allowed to put her license in inactive status retroactively. She no longer has the stamina to stand for more than five minutes at any given time and does not feel she could handle taking the practical exam as a cosmetology candidate. She was unaware she could place her license in inactive status.

Wanda Jo Slyce Lindler appeared before the Board at this time.

Ms. Lindler stated she has no desire to retain her cosmetology license since she is unable to stand and is uncomfortable attempting the cosmetology practical exam.

#### MOTION

Ms. Kinley moved that Ms. Lindler be allowed to sit for the nail tech exam. Ms. Gilmer seconded the motion, which carried unanimously.

#### 5. Board Member Reports

Melanie Thompson

Ms. Thompson received a phone call from Sabrina Huggins, of Finklea Career Center, who indicated she had students who had problems with the practical exam. She went on to say she informed Ms. Huggins she should send those complaints in writing to CTP and if the complaints were not resolved she should the Board. She presented the members with a copy of the letter Ms. Huggins mailed to CTP and highlighted the concerns addressed within the letter.

Rosanne Kinley

Ms. Kinley stated that during the first weekend in February 2004 she was asked to attend a meeting of the Federation of Association of Regulatory Boards (FARB). She wished that staff could have attended the meeting. She asked if the Board agendas could be emailed to the members to save on costs. A discussion of how the agenda packets could be sent to the members at cost savings ensued. Ms. Kinley indicated that test questions have also been found on the Internet.

Ruth Settles

Ms. Settles had no report.

Delores Gilmer

Reciprocity Report

January 2004

Twenty-two cosmetologists, one nail technician and three estheticians were licensed by reciprocity during January 2004. The Board asked that Mr. Jones research the nail technician to see how this individual was licensed by reciprocity. Mr. Jones indicated this individual had been previously licensed by reciprocity as a nail technician.

February 2004

Thirty-one cosmetologists and seven estheticians were licensed by reciprocity during February 2004.

Katherine Busby

Ms. Busby had no report.

#### 6. Discussion of NIC Region One Meeting

Ms. Kinley presented the members with information regarding the Region One meeting. A discussion on attendance ensued. The meeting will be held May 1-2, 2004 at the

Renaissance Nashville Hotel, Nashville, Tennessee Region One and Region Two will be attending the meeting. She asked that the members make their reservations immediately.

## 7. Braiding Committee Report

Ms. Adams read the report from the braiding committee. (This report is herewith attached and hereby becomes a permanent part of this record.)

### Discussion Items

#### 1. Request for Guidelines on Process for Threatening Inclement Weather for Continuing Education Classes - Tami Floyd-Fogleman, NCA of SC

Ms. Floyd-Fogleman is asking that the Board set guidelines for such incidents as when inclement weather (ice storms, snow, sleet) threatens the continuance of a continuing education course.

Ms. Tami Floyd-Fogleman appeared before the Board at this time.

Ms. Floyd-Fogleman stated she was conducting a continuing education class in Greenville on January 25, 2004 when sleet began. She indicated she continued the class with no breaks or lunch and that the class was dismissed at approximately 1:45 p.m.

During a discussion on this matter, it was suggested that the providers negotiate an inclement weather clause to be inserted to state that the provider would not have to pay for the facilities if a class is rescheduled at the same facility should inclement weather cause a class to be rescheduled. It was also suggested that if a class is 65% to 70% complete (four hours or two-thirds), that the day be considered a full day.

The Board asked staff to draft a policy for the Board's review and approval at the next meeting. The policy, once approved, would be mailed to the providers and posted on the Board's webpage.

#### 2. Staff Questions Regarding Practical Exam

##### b. How Should Staff Handle Exam Candidates Whose Exam Documentation is not Complete?

Ms. Shirley Wider stated the exam candidates are appearing at the practical exam site without proper documentation (affidavit and the state law exam). She noted that the candidates are not familiar with the state law exam. She also stated that some students are under the impression that if they take the computer based written exam one week prior to the practical exam that they are eligible to take the practical exam the following week.

Ms. Settles asked staff to present the Board with a proposal on how the exam process should work during the next meeting.

### Public Comments

Ms. Carol Toney, of Strand College of Hair Design, stated she is appalled at the exam candidates' complaints regarding the practical exam. She indicated that the students, the

schools and the Board have certain rights. She asked how the schools could obtain guidance.

Ms. Pearl Clark, of CTP, stated she was not present at the exam in question. She does not believe that an examiner would inform students during an exam that they have failed. She indicated she would personally investigate this matter.

A discussion regarding the practical exam ensued.

Ms. Chesley Phillips, of Skin and Nails, stated she sponsored a continuing education class in Rock Hill on March 7, 2004. She indicated that it was noted that the signature on the driver's license did not match the signature on the sign in sheet or on the social security card. During a discussion with the gentleman he presented Ms. Phillips with a different driver's license.

Ms. Kinley requested that CTP discuss the Finklea Career Center and Laurel Cromwell issues at the next Board meeting.

#### Executive Session

##### MOTION

Ms. Gilmer moved the Board take a ten-minute break followed by executive session. Ms. Busby seconded the motion, which carried unanimously.

#### Return to Public Session to Report on Executive Session

Ms. Adams noted for the record that no motions were made and no votes were taken during executive session.

#### DRC Reports

##### MOTION

Ms. Kinley moved to approve the March DRC Report, Complaints Approval Report, Disciplinary Report, and Case Disposition Report. Ms. Thompson seconded the motion, which carried unanimously.

#### Election of Officers

##### Chairman

Ms. Adams opened the floor for nominations of chairman.

Ms. Thompson made a motion to nominate Ms. Kinley as chairman. Ms. Busby seconded the nomination.

Ms. Settles made a motion to nominate Ms. Adams as chairman. Ms. Kinley seconded the nomination.

Following discussion, Ms. Kinley removed herself from the nomination for chairman.

Ms. Adams was elected chairman by unanimous vote.

Vice Chairman

Ms. Adams opened the floor for nominations of vice chairman.

Ms. Busby nominated Ms. Settles for vice chairman. Ms. Gilmer seconded the motion.

Ms. Thompson nominated Ms. Kinley for vice chairman. This motion died due to lack of a second to the motion. Discussion on expired membership terms ensued.

Ms. Kinley nominated Ms. Thompson as vice chairman. Ms. Gilmer seconded the nomination.

Ms. Adams called for the vote on Ms. Settles. Ms. Busby and Ms. Settles voted for Ms. Settles.

Ms. Adams called for the vote on Ms. Thompson. Ms. Gilmer, Ms. Thompson, and Ms. Kinley voted for Ms Thompson.

Ms. Thompson was elected vice chairman by a majority vote.

The Board officers for 2004/2005 are: Chairman - Pat Adams and Vice Chairman - Melanie Thompson.

Adjournment

There being no further business to be brought before the Board at this time, Ms. Thompson moved to adjourn the meeting. Ms. Kinley seconded the motion, which carried unanimously. The March 8, 2004 meeting of the SC Board of Cosmetology adjourned at 2:12 p.m.