

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., March 8, 2010
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Meeting Called to Order:

Rosanne Kinley, Chairman, of Anderson, called the regular meeting of the Board of Cosmetology to order at 10:00 a.m. Other Board members present for the meeting included: Melanie Thompson, Vice Chairman, of Myrtle Beach; Delores Gilmer, of Charleston; Michelle Hampton-Furtick, of Columbia; Ruth Settles, of Greenville; and Kathy Webb, of Easley.

Staff members participating in the meeting included DeLeon Andrews, Investigator, OIE; George Barr, Inspector; Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel; Eddie Jones, Administrator; Angela Scott, Administrative Assistant; and Shirley Wider, Program Assistant.

Others participating in the meeting included Chesley Phillips; Dinah Shaw; Pearl Clark; Sabra Bridges; Tammie Stevens; Shelba Green; Monica Sckoloff; Vera Murray; Scott Bills; Bart Horton; Lynn Jones; Colleen Large; Sherry Brilla; Eric McGee; Karen Stacks; Roderick Samuels; Deborah Cox; Harriett Harvey; Pam Halley; Shawanda Thomas Kim Worrock; Jacqueline Golden; Patsy Towery; Theodore Nelson; Betty Dixon; Pricilla Goodson; and Gloria Smith.

Public Notice:

Mrs. Kinley announced that public notice of this meeting was properly posted at 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.

All paused for a moment of silence.

Rules of the Meeting Read by the Chairman:

Mrs. Kinley read the rules of the meeting.

Introduction of Board Members and All Others Persons Attending:

The Board members, staff and members of the public attend the meeting introduced themselves.

Approval of Excused Absences:

NONE

Approval of the January 11, 2010 Meeting Minutes:

MOTION:

Mrs. Thompson moved to approve the January 11, 2010 meeting minutes. Mrs. Hampton-Furtick seconded the motion, which carried unanimously. Mrs. Webb moved to approve the January 11, 2010 meeting minutes with the following corrections:

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- Page 5 6th paragraph change Niece's to Neecie's and change revise to revised
- Page 6 6th paragraph second sentence change notice to noticed
- Page 7 4th paragraph second sentence change work to works; license to licensed; add is; change. She stated North Carolina does not want to approve the cellulite portion of the class because it was small segment. Change to North Carolina does not want to approve the very small portion of the class pertaining to cellulite; change license plan; to lesson plan;
- Page 8 5th paragraph change a.m. to p.m.; change retaking to retaken; change Courtney Large to Colleen Large; and continuation credits change to continue education credits;
- Page 9 2nd paragraph change reinterate to reiterate; change Cheslie Phillips to Chesley Phillips; and 5th paragraph add what; change accompany to accompanied; and
- Page 10 change Residential Builders Commission to Board of Cosmetology.

Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Agenda

Monday, March 8, 2010

MOTION

Mrs. Thompson moved to approve the Monday, March 8, 2010, agenda as previously noticed. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Chairman's Remarks:

Rosanne Kinley, Chairman

Mrs. Kinley welcomed everyone in attendance and stated that if the Board of Cosmetology could be of assistance please do not hesitate to contact them. As a member of the National Examination Committee of National Interstate Council of State Boards of Cosmetology, she attended the Florida Board of Cosmetology Board meeting on January 25, 2010. Mrs. Kinley stated as a South Carolina Board member, it might seem as if other states are making better progress but after attending the Florida meeting, South Carolina is further advanced in many ways.

State House Hearings:

Mrs. Kinley reported that she attended the House Hearings House Bills H.3815 and H.4075. House Bill 3815 is a bill to amend section §40-13-20, as amended, Code of Laws of South Carolina, 1976, relating to the definition of terms pertaining to the licensure and regulation of cosmetologists, so as to specifically exclude from the definition of "salon" a rental booth and the space in a salon occupied by an independent contractor; and by adding section §40-13-255 so as to provide that a person practicing under an individual cosmetology license in a booth rental or as an independent contractor may not be charged a licensure or licensure renewal fee other than the fee charged for individual licensure or licensure renewal.

Mrs. Kinley reported House Bill 4075 regarding the Cosmetology regulations, was returned because of errors within the script, the errors were corrected and resubmitted.

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She thanked Mr. Ken Shuler and Mr. Stephen Dawson for giving the Board the opportunity to make the corrections.

Chairman of the Region One Aurie J. Gosnell Scholarship Committee:

Mrs. Kinley is currently serving as the Chairman of the Region One Aurie J. Gosnell Scholarship Committee, and they will be awarding four scholarships this year, one per region. Any interested parties may download the application and requirements at www.nictesting.org. The deadline to turn in applications is June 1, 2010. The winners will be announced at the NIC Conference in Seattle, Washington in August 2010. Mrs. Kinley asked for assistance in getting the scholarship information posted on the ACTS Webpage.

NIC Region Meeting:

Mrs. Kinley reported that the Board members would be attending the NIC Regional Meeting in Las Vegas, March 19 – 21, 2010.

Administrator's Remarks for Information:

Eddie Jones, Administrator

Advisor Opinions:

NONE

Legislative Update:

NONE

Reports:

Mr. Jones reported that the Assistant Deputy Director Randy Bryant has requested that the Office of Investigation, Office of General Counsel and Office of Licensure and Compliance be added to the Boards and Commissions agendas to present a status report.

OGC Report:

Mrs. Hawkins reported the number of cases in Office of General Counsel as of today:
3 cases in the Office of General Counsel;
2 cases have not been scheduled for hearing; and
1 case has been filed with the Circuit Court of Greenville.

OIE Report:

Mr. Deleon Andrews reported the number of investigations as of today:
344 cosmetology investigations in 2009;
291 investigations involved one school; and
49 cosmetology investigations in 2008.

Mr. Andrews reported that Mr. Bobbie Taylor would be assisting with the cosmetology investigations.

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OLC Report:
Not present

Inspector's Report:
Mr. Blackmon

Mr. Blackmon reported the number of inspections as of today.
510 inspections were completed in January 2010;
495 inspections were completed in February 2010; and
3958 inspections have been completed year to date as of July 1, 2010.

Unfinished Business:
NONE

New Business:

Approval of the DRC Reports, February 1, 2010 and March 1, 2010:

MOTION:

Mrs. Hampton-Furtick made a motion to approve the February 1, 2010 and March 1, 2010 DRC Reports. Mrs. Thompson seconded the motion, which carried unanimously.

Mr. Blackmon reported that 62 licensees have not taken the legal or sanitation classes.

Mrs. Kinley recommended that staff send a letter to the licensees who have not taken the class and inform them of the dates and locations of the classes. If proper documentation is not submitted, staff is instructed to issue a cease and desist.

Approval of the IRC Report:

MOTION:

Mrs. Thompson made a motion to approve the IRC Report. Mrs. Settles seconded the motion, which carried unanimously.

Approval of Licensure:

Shelba J. Green

The Board held an Application Review Hearing for Ms. Shelba Green.

MOTION:

Mrs. Thompson made a motion to approve Ms. Green's cosmetologist licensure application with a five (5) years probationary status, and during that time, Ms. Green shall provide current SLED reports annually at her own expense. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Pricilla Goodson

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The Board held an Application Review Hearing for Ms. Pricilla Goodson.

MOTION:

Mrs. Thompson made a motion to approve Ms. Goodson's Cosmetologist Instructors Licensure Application. Mrs. Webb seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Chelsea R. Ragan

The Board held an Application Review Hearing for Ms. Chelsea Ragan. Ms. Ragan was not present. Ms. Webb asked to be recused because Ms. Ragan is a business acquaintance.

MOTION:

Mrs. Hampton-Furtick made a motion to deny Ms. Ragan's cosmetologist licensure application until Ms. Ragan appears before the Board. Mrs. Gilmer seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Approval of Continuing Education:

Charzanne Beauty College

The Board reviewed a request from Charzanne Beauty College to add a continuing education class on October 31, 2010.

MOTION:

Mrs. Thompson made a motion to approve Charzanne's Beauty College request. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Beauty Industry Group

The Board reviewed requests from Beauty Industry Group to add a continuing education class and instructor.

MOTION:

Mrs. Webb made a motion to approve Beauty Industry Group's requests. Mrs. Settles seconded the motion, which carried unanimously.

SCPBCA

The Board reviewed a request from SCPBCA to add a licensed instructor.

MOTION:

Mrs. Thompson made a motion to approve Beauty Industry Group's requests. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval for Methods of Teaching Instructor:

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Denine Hammonds

The Board received a request from Ms. Denine Hammonds on February 17, 2010, seeking the Board's approval to become a Methods of Teaching Instructor. A resume was included in her request. Mr. Jones reported that he had spoken with Ms. Hammonds and she has requested to appear at the next Board meeting.

MOTION:

Mrs. Hampton-Furtick made a motion to table Ms. Hammonds request until the May 2010 Board meeting. Mrs. Thompson seconded the motion, which carried unanimously.

Mrs. Thompson asked staff to send Ms. Hammond a letter prior to the next meeting, explaining that the law states in order to teach methods of teaching an applicant must possess a master's degree in education and show expertise in a cognitive field. Therefore, the Board is requesting that she provide a school transcript or other documentation that shows she has successfully passed classes that instructs her how to teach.

Harriett Harvey

The Board received a request from Ms. Harriett Harvey on February 1, 2010, seeking the Board's approval to become a Methods of Teaching Instructor. Ms. Harvey reported that she has a Bachelors Degree in English, Masters Degree in Management & Leadership and a Masters Degree in Information Systems Management. Ms. Harvey has had a Cosmetology Instructor License since 2002.

MOTION:

Mrs. Thompson made a motion to deny Ms. Harvey's request to become a Methods of Teaching Instructor until May 2010 Board meeting in which she shall provide documentation showing that she has successfully passed classes that instructs her how to teach. Mrs. Hampton-Furtick seconded the motion, which carried with one nay vote.

Roderick Samuels

The Board received a request from Mr. Roderick Samuels on February 19, 2010, seeking the Board's approval to become a Methods of Teaching Instructor. Mr. Samuels provided a resume with his request.

MOTION:

Mrs. Thompson made a motion to deny Mr. Samuels' request to become a Methods of Teaching Mrs. Gilmer seconded the motion, which carried with one nay vote.

Dinah G. Shaw

The Board received a request from Ms. Dinah Shaw, seeking the Board's approval to become a Methods of Teaching Instructor. Ms. Shaw provided a copy of a Certificate of Completion from the Department of Education Direct Program.

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Mrs. Thompson made a motion to table Ms. Shaw's request to become a Methods of Teaching until the May 2010 Board meeting. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of School Application:

Virginia College (Columbia)

The Board reviewed Virginia College's (Columbia) school application. Mrs. Thompson reported at the November 2010 Conference Call meeting there was a compiled list of items that Virginia College needed to correct.

MOTION:

Ms. Thompson made a motion to table the Virginia College contract until such time as more information could be obtained from the Charleston College contract. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

MOTION:

Mrs. Thompson made a motion to deny Virginia College Columbia contract until such time as Mrs. Tracey McCarley and Mr. Fee, Virginia College Director of Licensing could meet and discuss the contract because it affects the Charleston and Greenville locations. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Mrs. Thompson requested that the Board have a Conference Call meeting after Mrs. McCarley and Mr. Fee's meeting to review the contracts and prior to the Conference Call meeting Mr. Fee provide the Board with a revised copy of each of campuses contract.

Approval of School Contract:

Necie's School of Beauty and Hair Design

The Board received a copy of Necie's School of Beauty and Hair Design school contract for Board's approval. Necie's School of Beauty appeared before the Board at the January 2010 meeting and was asked to correct the student contract and resubmit the document to the Board.

MOTION:

Mrs. Thompson made a motion to deny Necie's School of Beauty and Hair Design request until the provided contract meets Board's approval. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Final Inspection:

Paul Mitchell The School-Charleston

The Board received a request from Paul Mitchell The School-Charleston for the Board's approval of a final inspection. Mrs. Thompson asked Mrs. Gilmer to inspect the facility to verify that the hot water is operating correctly.

MOTION:

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Mrs. Thompson made a motion to approve Paul Mitchell's The School-Charleston request for final inspection, pending Mrs. Gilmer's inspection of the facility verifying the hot water is operating correctly. Mrs. Gilmer seconded the motion, which carried unanimously.

Review of Esthetic Course Concept

(Miller Motte) – Lillian Smalls

Ms. Lillian Smalls, Instructor and Program Director of the Esthetic Program at Miller Motte, reported that she has received telephone calls and e-mails from previous esthetician graduate students requesting assistance with marketing and obtaining new clientele. She stated that she would like to offer advance studies in marketing and management for Miller Motte graduate students whom have obtained licensure.

Mrs. Kinley reported that Ms. Smalls did not need Board's approval because she is not licensing or certifying individuals and the Board cannot prohibit the licensees for taking other courses.

Discussion Items:

Ms. Gilmer

Mrs. Gilmer left the meeting at this time because of a prior appointment.

Completion of Continuing Education Policies:

Mrs. Kinley reported that she presented the information to Mr. Jones and he would compile it into a word document and submit to the Board for approval.

Proposed Additional requirements for Criminal History for Renewals, Endorsement and Initial Applicants:

Mrs. Kinley reported that the current application asks, 'Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?' She recommended that the Board require all applicants provide a current SLED report. Mrs. Thompson reported that this is a good idea; however; it would be another expense to the students.

After much discussion, the Board decided that this was a discussion item and they will continue to review the process and receive suggestions to improve the process.

Nail Technicians Reciprocity Policy:

Mr. Jones reported that the Board received a letter from the Governors Office regarding nail technician reciprocity. He stated that the law states there is reciprocity but the Board's policy is for all applicants requesting reciprocity appear before the Board.

After much discussion, the Board decided that all nail technicians requesting reciprocity appear before the Board prior to issuance of a license.

PCS, New Identification Requirements:

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Mrs. Kinley reported that PCS is requiring that all candidates register with their legal name as it appears on their government issued identification. PCS is also requiring that the applicant provide two forms of identification to mitigate any attempts to falsify identification. Candidates are required to bring two (2) forms of valid (non-expired) signature bearing identification to the test site. One form of identification presented must be Government issued identification with photograph and signature. Photocopies of identification will not be accepted. Primary identification includes State issued driver's license; State issued identification card; United States Government Issued Passport; United States Government Issued Military Identification Card; or a United States Government Issued Alien Registration Card. Secondary identification includes a signed credit card; Social Security Card and United States Birth Certificate with Raised Seal.

Mr. Jones stated that he would send PCS notification stating that the Board endorses their policy.

ACSP-Deadline for Posting Continuing Education Classes:

Mrs. Kinley reported that ACSP has requested that a new deadline be created for the posting of CEU classes to the Board's website starting with the 2011 schedule. She stated that she is fully aware of the problem but the providers need to get the corrected information to the Board for posting. She reported that the Board will establish a policy in November 2010 stating that providers who would like continuing education classes posted to the Board's website must be submitted prior to a certain date.

Computer Clock Hours/Figure Print Recognition (Ms. Harriett Harvey)

Ms. Harriett Harvey

Ms. Harvey informed the Board that Virginia College is using figure print software to keep track of the number of hours a student attends.

Mr. Jones suggested that Ms. Harvey inform the Office of Investigations because the inspectors will be reviewing their files.

Board Member Reports:

Mrs. Webb

Mrs. Webb did not have a report.

Mrs. Hampton-Furtick

Mrs. Hampton-Furtick reported that she monitored one of the Association Classes – Hair Matters and the education portion of the class was great. She was very impressed with the provider.

Mrs. Thompson

Mrs. Thompson reported on March 1, 2010, she and Mrs. Tracey McCarley inspected Paul Mitchell The School-Charleston. She noted the school is beautiful.

Mrs. Settles

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Mrs. Settles did not have a report. She asked whether the assignments been sent. Mrs. Kinley stated that she sent the assignments prior to receiving Mrs. Settles current e-mail address.

Public Comments:

Mr. Eddie Jones

Mr. Jones encouraged the Board to read the article that was given to them prior to the meeting. He stated that if there are any questions, they may contact Mr. Randy Bryant, Assistant Deputy Director.

Ms. Candice Perry

Ms. Perry asked if a person who is approved to teach with one association could teach under another association without Board's approval. Mrs. Thompson stated no.

Advance Association Cosmetology

Ms. Lynn Jones asked whether the Board received her request to add a continuing education class. Mrs. Kinley stated that she received the request and it would be placed on the May 2010 meeting agenda.

Ms. Chesley Phillips

Ms. Phillips asked whom should she send the verification of attendance form to since Nail, Skin and Hair of America, LLC, offers the legal and sanitation class at the same time as the continuing education classes. Mrs. Kinley reported that the information should be sent to Mr. Eddie Jones and Mrs. Beth Cumalander.

Mrs. Thompson

Mrs. Thompson reported on some of the evaluation forms under course profession there is different information listed. Mr. Eric McGee stated that he would review the information and rectify the problem.

Adjournment:

Mrs. Thompson moved the meeting be adjourned. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

The March 8, 2010, meeting of the South Carolina Board of Cosmetology adjourned at 3:33 p.m.