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APPROVED MINUTES
South Carolina Board of Cosmetology
11:00 a.m., January 20, 2012
Synergy Business Park
Kingtree Building, Conference Room 202-02
110 Centerview Drive, Columbia, SC 29210

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These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website – www.llr.state.sc.us/pol/

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Meeting Called to Order

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Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingtree 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. The Pledge of Allegiance was recited by all present. The rules of the meeting were read by the Chairperson.

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Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingtree 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.

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Rules of the Meeting Read by the Chairman

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Introduction of Board Members and All Other Persons Attending

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Rosanne H. Kinley, Chairperson, of Anderson, called the regular meeting of the Board of Cosmetology to order. Other Board members present for the meeting included: Melanie C. Thompson, Vice Chairperson, of Myrtle Beach; Katherine T. Webb, of Easley, Delores J. Gilmer of Charleston, Cynthia T. Rodgers, of Lancaster and Selena M. Brown of Columbia.

Staff Members Participating in the Meeting

Dean Grigg, Advice Counsel; Andrew Rogers, Office of General Counsel; Byron Ray, Administrator, Roz Bailey-Glover, Matteah Taylor, Shirley Wider, Administrative Staff, and Kim Power, Court Reporter.

All Other Persons Attending:

Lita Rivera, Tuyen Thanh Thi Truong, and Kim Duong on conference call.

Approval of Excused Absences

All present and accounted.

Approval of Agenda

MOTION:

Ms. Thompson made a motion to approve the agenda with deviations as deemed necessary. Ms. Rodgers seconded the motion, which was carried unanimously.

Chairman's Remarks – Rosanne Kinley – There were none.

Administrator's Remarks, For Information – Byron Ray: Mr. Ray informed the Board that Ms. Jessica DeBenedetto was no longer with Board Staff and is relocating her family to another state. Ms.

52 Rodgers asked Mr. Ray to provide the Board with a list of changes that have occurred within LLR that
53 effect the Board of Cosmetology. Ms. Thompson stated that she would also like for Mr. Ray to provide
54 the Board with information on which staff member does what job for clarification.

55

56 **Old Business**

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58 **Approval of License through Endorsement**

59 **Lita K. Rivera**

60 Staff notified Ms. Rivera to join the conference call to answer questions Board members may have
61 concerning the endorsement application. Mr. Grigg swore in Ms. Rivera. Ms. Rivera provided the Board
62 staff with evidence of her 2008, 2009 and 2010 W2 forms as evidence of work experience. The Board
63 briefly discussed the new information received.

64

65 **MOTION:**

66 Ms. Thompson made a motion to approve the license. Ms. Brown seconded the motion, which was
67 carried.

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69 Ms. Webb was temporarily dropped from the conference call and did not vote with the Board. Upon her
70 reconnection she agreed with the motion.

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72 **Approval of License with Education Concerns**

73 **Tuyen Thi Thanh Truong – Nail Technician**

74 Staff notified Ms. Truong to join the conference call to answer questions Board members may have
75 concerning the application with education concerns. Ms. Truong attended an out of state school. Ms.
76 Truong was reminded that she was still under oath previously taken. The Board questioned Ms. Truong
77 about the 2002 transcript she submitted that was notarized by a South Carolina notary. Mr. Grigg stated
78 that the Board members now had a copy of the original document submitted by Ms. Truong bearing the
79 original school seal. This seal was not visible on the previous photocopies provided to the Board for
80 review. Although the Board still wanted to know why the transcript was notarized by a SC notary, Mr.
81 Grigg pointed out that the transcript did not have to be notarized and that the original transcript submitted
82 by Ms. Truong was correct. A lengthy discussion ensued.

83

84 **MOTION:**

85 Ms. Brown made a motion to approve the license. Ms. Gilmer seconded the motion.
86 Board Chairperson Ms. Kinley took a vote. Ms. Thompson voted nay, Ms. Webb voted nay, and Ms.
87 Rodgers voted nay. The nays have the majority vote, and the motion was denied.

88

89 Chairperson Kinley explained to Ms. Truong that the license was denied and that she can contact the
90 Administrator, Mr. Ray for assistance on how to appeal the decision.

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92 Further discussion ensued about the notary seal. The Board entered into Executive Session with legal
93 counsel.

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95 **MOTION:**

96 Ms. Thompson made a motion to go into Executive Session. Ms. Gilmer seconded the motion,
97 which was carried unanimous.

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99 **The Board returned from Executive Session to Public Session.**

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103 **Disciplinary Education**

104 Mr. Andrew Rogers addressed the Board to discuss disciplinary education courses. Based on his
105 observation, there were no disciplinary education courses available in SC and it was believed that
106 disciplined licensees could not comply with taking the legal and sanitation courses because they were not
107 available. Chairperson Kinley informed Mr. Rogers that the Board has always referred licensees to the
108 disciplinary education courses, and that there are three classes offered by various providers. Classes are
109 not listed on the website because they are not continuing education courses. Chairperson Kinley wanted
110 to know why the legal department thought the classes were not being offered. She pointed out that staff
111 member Shirley Wider has the class listing. A lengthy discussion ensued.

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113 Ms. Thompson suggested to Mr. Ray that he contact the presidents of each Education Association and
114 have them to inform the Board of which classes are currently being offered as disciplinary courses.
115 Obtain the dates, time and location of each class for the compilation of a complete list of courses.

116
117 Mr. Rogers stated that, based on his observation, classes are not being offered, but its fine as long as the
118 classes are found available to those who are disciplined. Mr. Roger added that since DRC's were no
119 longer happening he suggested that disciplinary hearings come before the Board, and that the Board
120 dedicate day two for hearings. The Board could also assign a hearing officer to hear cases on behalf of the
121 Board. The hearing officer would hear the cases and the officer would make a recommendation. Ms.
122 Thompson pointed out that she is uncomfortable with relinquishing disciplinary hearings to someone else.
123 Chairperson Kinley asked Mr. Andrews to keep the Board apprised of cases in the pipeline requiring
124 disciplinary action. She agreed that the first day of the Board meeting will be a regular board meeting and
125 the second day would be for disciplinary cases.

126
127 **New Business**

128 **PCS Training Affidavit**

129 Board members reviewed and briefly discussed the PCS Cosmetology Training Affidavit form.

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131 **MOTION:**

132 Ms. Webb made a motion to table the discussion on the PCS Cosmetology Training Affidavit for
133 another date. Ms. Rogers seconded the motion, which was carried unanimous.

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135 **Public Comments: There were none.**

136

137 **Executive Session: There was none**

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139 **MOTION:**

140 Ms. Thompson made a motion to adjourn the meeting. Ms. Rodgers seconded the motion, which
141 was carried unanimously.

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143 **Adjournment: The meeting adjourned at 12:15 p.m.**

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145 **The next meeting of the S.C. Board of Cosmetology is scheduled for March 12, 2012.**