

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING
AND REGULATION
BEFORE THE COSMETOLOGY BOARD

MEETING MINUTES
11:30 A.M., DECEMBER 7, 2011
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
COLUMBIA, SOUTH CAROLINA

BOARD MEMBERS PRESENT:

(ATTENDING BY TELEPHONE)

Rosanne Kinley, Chairperson

Melanie Thompson, Vice Chairperson

Cynthia Rodgers

Katherine Webb

Selena Brown

Dean Grigg, Advice Counsel

Melina Mann, Advice Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONTENTS

Proceedings	3
Certificate of Reporter	64

1 11:50 a.m.

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

10 The rules of the meeting, we're
11 going to bypass all of that. Introduction of
12 Board members, I'm just going to go ahead and say
13 for the record that all Board members are present
14 with the exception of Deloris Gilmer. She has not
15 signed in, even though she indicated that 11:30
16 today was fine. We also have not seen -- is it
17 Shulte?

18 UNIDENTIFIED: Chelsea, yes, that's
19 correct.

20 MDM. CHAIRPERSON: Chelsea online
21 with us here. And, Byron, I will let you state
22 for the record everyone that's there in the LLR
23 office.

24 MR. RAY: Who is here? We'll just
25 do a roll call here.

1 MS. MANN: Melina Mann.

2 MR. GRIGG: Dean Grigg.

3 MS. PRESLEY: Melinda Presley.

4 MS. CURTIS: Janice Curtis.

5 MS. GLOVER: Roz Glover.

6 MS. WYDER: Shirley Wyder.

7 MR. RAY: Byron Ray.

8 MS. SHULER: Angie Shuler.

9 MR. DAWSON: Steven Dawson.

10 MS. PHILLIPS: Chesley Phillips.

11 MR. RAY: And that's it.

12 MDM. CHAIRPERSON: Okie doke. As
13 far as the agenda, I'll entertain a motion.

14 MS. THOMPSON: I make a motion we
15 approve the agenda with any deviations deemed
16 necessary, Melanie Thompson.

17 MS. WEBB: Second, Kathy Webb.

18 MDM. CHAIRPERSON: I have a motion
19 and second. If the court reporter didn't hear, it
20 was Melanie Thompson moved, Kathy Webb seconded it
21 for approval of the agenda with deviations. Any
22 further discussion?

23 (No response)

24 MDM. CHAIRPERSON: Hearing none,
25 all in favor, signify by saying aye.

1 (Response)

2 MDM. CHAIRPERSON: Opposed?

3 (No response)

4 MDM. CHAIRPERSON: Motion carried.

5 We will bypass Chairman's remarks and the
6 Administrator's remarks, unless, Byron, you have
7 something you need to state.

8 MR. RAY: I don't have any. You
9 may move forward.

10 MDM. CHAIRPERSON: Okay.
11 Unfinished business, approval for licensure of
12 Maxine Heather Shulte. Ms. Shulte is on today's
13 conference call.

14 MR. GRIGG: Rosanne, do you want me
15 to explain what you and I talked about the other
16 day?

17 MDM. CHAIRPERSON: Certainly.
18 Thank you.

19 MR. GRIGG: Okay. Ms. Shulte, this
20 is Dean Grigg. I'm the Board's attorney.

21 MS. SHULTE: I do.

22 MR. GRIGG: Basically, at the last
23 Board meeting we were actually all present -- I
24 don't even remember what date that was -- but the
25 Board had voted -- and Rosanne, correct me if I'm

1 wrong on anything -- but the Board had voted to
2 deny your application at that time because they
3 didn't have some information and couldn't answer
4 some questions that they had based on the
5 information you had submitted and the fact you
6 weren't present. And I understand that it was LLR
7 and staff members that informed you that you
8 didn't need to be present, so that certainly
9 wasn't held against you.

10 But my understanding is, since
11 then, you have submitted some additional
12 information that the Board has gotten for their
13 consideration and is willing to consider, and
14 since no final order had been prepared by the time
15 you that had done that, I simply suggested to
16 Byron and to Rosanne that I think the matter is
17 not officially closed, so I think they could
18 reopen the discussion, the testimony, the
19 consideration of whatever information they've
20 received, and if they wanted to withdraw their
21 previous vote and motions and make a new motion,
22 that's certainly within their right as a Board.

23 So I think that's where we stand on
24 it, Rosanne.

25 MS. THOMPSON: This is Melanie.

1 Could I ask a question? Do we need to, actually?
2 Because I'm not positive. I may have been the one
3 that made the motion at the November meeting to
4 deny it. Do we need to actually withdraw that
5 motion or can we not just simply make a new motion
6 stating what --

7 MR. GRIGG: Withdraw may have been
8 a poor choice of words, Melanie. You're right. I
9 mean, so that motion is closed and you all made a
10 vote, but you can reopen because the issue is not
11 actually finalized until a final order is
12 executed.

13 MS. THOMPSON: Right.

14 MR. GRIGG: And so at any time,
15 y'all can reconsider new information and reopen
16 for discussion. So a new vote can result from
17 this discussion. You don't need to withdraw that
18 motion, you're correct.

19 MS. THOMPSON: Okay. And so if I'm
20 understanding correctly, we needed additional
21 information simply to answer some questions and
22 she wasn't there to be able to answer them in
23 person, so I guess that was the reason for the
24 vote. But as I'm looking at what we have
25 received, answers the questions. So, at this

1 time, do I need an order to make a motion in
2 regards to this or do we need to have further
3 discussion?

4 MR. GRIGG: That's up to y'all. If
5 y'all have got anything you want to ask Ms. Shulte
6 or discuss amongst yourselves, you can. But if
7 somebody is ready to make a motion, you can do
8 that as well.

9 MDM. CHAIRPERSON: Just so everyone
10 knows, the issue was, originally, Ms. Shulte has
11 applied for an endorsement license out of New York
12 state. We do not reciprocate with the state of
13 New York and their examination. Therefore, there
14 is a lack, or there was a lack of hours and that
15 was the big holdup, for whatever reason. But we
16 now have proof of work hours to make up the hours
17 difference now, which Ms. Shulte has requested
18 just to be allowed to sit for the examination.

19 MS. WELLS: Madam Chair, I make a
20 motion to approve Ms. Shulte.

21 MS. RODGERS: I second the motion,
22 Cindy Rodgers.

23 MDM. CHAIRPERSON: Okay. I have a
24 motion by Ms. Wells, a second by Ms. Rodgers. Any
25 further discussion?

1 (No response)

2 MDM. CHAIRPERSON: Hearing none,
3 all signify by saying aye.

4 (Response)

5 MDM. CHAIRPERSON: Opposed?

6 (No response)

7 MDM. CHAIRPERSON: Motion carried.

8 Ms. Shulte?

9 MS. SHULTE: Yes?

10 MDM. CHAIRPERSON: You are now
11 eligible to sit for the examination and receive
12 licensure in the state of South Carolina.

13 MS. SHULTE: Thank you, very much.

14 MDM. CHAIRPERSON: You're very
15 welcome. Good luck and we look forward to you --
16 aren't you moving to Hilton Head?

17 MS. SHULTE: Myrtle Beach.

18 MDM. CHAIRPERSON:

19 UNIDENTIFIED: Myrtle Beach?

20 That's where I am.

21 MDM. CHAIRPERSON: Okay. I love
22 Myrtle Beach, so good luck to you there.

23 UNIDENTIFIED: It's sunny and warm
24 here right now.

25 MS. SHULTE: Thank you.

1 MDM. CHAIRPERSON: Yes. And if
2 there's anything else the Board can do for you,
3 please don't hesitate to ask.

4 MS. SHULTE: Thank you, very much.

5 MDM. CHAIRPERSON: We're sorry for
6 the delay on your case, too.

7 MS. SHULTE: No problem. Have a
8 great holiday.

9 MDM. CHAIRPERSON: Thank you. You,
10 too.

11 MS. SHULTE: Thank you.

12 MDM. CHAIRPERSON: Bye-bye. Okay.
13 there's nothing under old business. Under new
14 business, discussion on fingerprint and citation
15 issue.

16 MR. GRIGG: And this is back to
17 what we were discussing Monday, guys. Y'all
18 should have been forwarded a copy of basically
19 what Melina and I were discussing with you on
20 Monday, a copy of just the citation section, 35-6,
21 and a copy of just the fingerprinting section,
22 35-5.

23 Just to let you know what we've
24 done, 35-5, as we discussed on Monday, the
25 potential hang-up and problem, was what we had

1 proposed in our previous 42-18 version of the reg,
2 was the first item, A, that required testing to be
3 done in the English language, to try to get the
4 fingerprinting issue passed without further
5 hang-up. What has now been presented to you is
6 just 35-5 in its entirety, except for that one
7 section dealing with the English language issue.

8 The citation part of 35-6 is cut
9 and pasted in its entirety exactly as it appears
10 in 42-18, the previous set of regs we've already
11 sent out the door. It's just being submitted
12 again separately, because, obviously, this is
13 important to you all and to the Agency to get it
14 passed. And we want to try to get these two
15 things through, at minimum, if there are problems
16 on the other issues, you know, without there being
17 problems on these.

18 I know Melina is here. She's
19 probably got some comments to make. But that's
20 what was presented to y'all and forwarded to y'all
21 Monday night or yesterday morning.

22 MDM. CHAIRPERSON: Okay. Why don't
23 we start with 35-5 and deal with these discussions
24 totally separately, if that's cool with everybody,
25 okay? 35-5 deals with, basically, 35-5(A), I'm

1 assuming. And what it does is removes -- is
2 somebody going in and out?

3 MS. THOMPSON: Hey, I'm sorry guys.
4 I got disconnected, so I missed --

5 MDM. CHAIRPERSON: I'm sorry.
6 What, Melanie?

7 MS. THOMPSON: I got disconnected.

8 MDM. CHAIRPERSON: Okay. Okay.

9 MS. THOMPSON: I mean, this
10 particular on the agenda, it cut me off and so
11 I've been trying to log back in.

12 MDM. CHAIRPERSON: Thank you for
13 joining us. So 35-5, the way we have submitted
14 it, the way that the reg is sitting at the State
15 House right now says, 35-5(A), an applicant must
16 submit completed application and shall show the
17 ability to read, write, comprehend and be tested
18 in the English language in order to prevent the
19 unlawful use of hazardous and harmful chemicals.

20 Applicants born in a non-English
21 speaking country must successfully complete the
22 ACTFL, which is test of English as a foreign
23 language examination. It has removed that in its
24 entirety, on the second hope that we can go submit
25 35-5 with the I, which is, applicant must submit

1 to the Board fingerprint and photographic
2 identification with initial licensure.

3 MR. GRIGG: And, again, guys, if
4 the 42-18, if the regs we've already sent are
5 passed in their entirety, then this other stuff is
6 moot. This is simply -- and I can't state it
7 enough, this really is trying to, at least, get
8 something done with some of these more important
9 issues. I mean, it really is an effort to try to
10 help your profession to the extent of the
11 fingerprinting requirement and the citation.
12 We're trying to make sure those two issues get
13 through in as good a form as we can get them
14 through if there are hang-ups with the other
15 stuff.

16 Now, hopefully, for your sake, if
17 there are no other hang-ups and that stuff gets
18 through, then that's great, too. But that's why
19 Katherine has proposed -- and while Melina and I
20 again were talking to you Monday about, as
21 proposed, doing it as separate tracks like this is
22 for that purpose. So if all else fails, at least,
23 we get this stuff through.

24 MS. MANN: And we know nothing for
25 certain. As y'all know, dealing with, you know,

1 what goes on over at the State House, we don't
2 know anything for certain. But the feeling is
3 right now, it seems to be that cosmetology is very
4 heavily regulated and the feeling is seeming to
5 sway against that.

6 So what we're trying to do is, or I
7 think what Katherine was trying do, it's just more
8 of sort of a friendly suggestion. Y'all don't
9 have to do it, but it is her belief that the
10 regulations may not pass and, this way, we know
11 how important fingerprinting is, we know how
12 important, you know, keeping the integrity of the
13 cosmo licenses is to the Board. So what we're
14 trying to do here is, hopefully, just cut out part
15 of the new regs so we'll have a little bit of
16 something to work with.

17 And there's next year as well. I
18 mean, we're not saying that the regs were drafted
19 or something that we couldn't try again to pass
20 next year. But, right now, the feeling is that in
21 their entirety, they won't pass. And I know that
22 fingerprinting is important to y'all, and so
23 that's why we are trying to, you know, just parcel
24 that part out. And I know citation is important
25 to y'all as well and it's very important to the

1 Department.

2 MS. RODGERS: Can I say something?
3 This is Cindy Rodgers. I have a, I guess
4 question, comment and concern. I have a big
5 concern about the English language, and know that
6 this is a hang-up. I know that y'all want us to
7 go forward with a biometric system and it is very,
8 very important. Until you work in this industry,
9 you just don't realize how important.

10 I had a House of Representative in
11 my salon yesterday that I shared some of our
12 issues with and the concern I had from the last
13 meeting was when a statement was made that
14 Ms. Templeton said that these questions were being
15 aroused. Well, we had a meeting in front of the
16 schools and we had, of course, attorneys there and
17 there was a lot of questions that was raised that
18 we felt was pretty thoroughly answered.

19 My issue is, when I spoke with him
20 yesterday, one of the questions -- and I think it
21 was Melanie that may have asked the question --
22 who is asking these questions, where are these
23 coming from and she said the General Assembly.
24 His response to me was, no one on the panel, the
25 House of Representatives nor Senators know enough

1 about this industry to ask these questions. So
2 where are these questions actually coming from?

3 MR. GRIGG: The only thing I know
4 to tell you -- and if Melina has more input and
5 wants to give it, she may -- the only thing I can
6 tell you is what's being passed down to me and
7 that is, Ms. Templeton has been speaking about
8 other matters, other issues at times down at the
9 General Assembly with other issues going on and
10 these questions have been presented to her and
11 these concerns have been raised to her. By whom,
12 I do not know. What the exact context of those
13 conversations were, I do not know.

14 I can't give you any better answer
15 than that. But I do agree, to the extent that
16 Melina and I have already told you, again, if all
17 of your regs get passed, that's terrific for you
18 and you don't have to worry about this. But I do
19 agree that if these issues, the fingerprint and
20 citation, are as important to y'all as I think
21 they are and are as obviously important to this
22 Agency, as I know they are, at least, it's better
23 to have some parallel track in the process that
24 tries to get that stuff through.

25 So, look, nobody is saying -- and

1 as Melina just said, we're not saying it will or
2 won't pass. We don't know. This is just feedback
3 we've gotten. If we're wrong, then that's great
4 for y'all. And clear with the 42-18, with the
5 previous regs y'all submitted, what your
6 preference would be and what your intent would be.
7 And if those are passed, then you got everything
8 you asked for and that's great for you.

9 If there is hang-up, which we're
10 being told there is -- now, the nature of those
11 conversations, I can't speak to because I wasn't a
12 part of and I don't know -- but if there is
13 hang-up, then, at the least, you're still getting
14 the citation stuff through, hopefully, and you're
15 still getting the fingerprinting through,
16 hopefully.

17 MS. RODGERS: What about -- this is
18 Cindy Rodgers again -- what about, I had a
19 question on some things that we're seeing on the
20 emails about the \$2500 maximum. I don't see or
21 remember -- if I'm wrong, Rosanne, I mean, y'all
22 help me with that because I'm a newer Board
23 member -- but I don't remember having that or
24 passing that, so I'm not sure where that comes
25 from.

1 So I'm just concerned that some
2 things were getting put in that we have not
3 approved and --

4 MR. GRIGG: None of that is
5 different than what -- nothing from 35-6 has been
6 changed. That is not different in any fashion
7 than what y'all approved when we approved to send
8 42-18 over.

9 MS. WEBB: Excuse me. Kathy Webb.
10 Part of that, I do not remember and maybe it was
11 with the section three, this \$2500. I don't
12 remember this. And maybe that was put in there
13 and I just don't remember that.

14 MS. THOMPSON: This is Melanie
15 Thompson and I don't remember ever putting a limit
16 of \$2500 per day on any -- and that's three of us
17 there. I just don't remember that and I couldn't
18 find it in the regs.

19 MDM. CHAIRPERSON: Can I interrupt
20 one second? In those proposed regs, 35-6(B) does
21 contain the language of no more than \$2500 per
22 day. I agree. I don't remember that. But was
23 that in the 2000 regs, Dean? Because I know we
24 cut and paste it straight out of the old regs back
25 in.

1 MR. GRIGG: I would have to grab
2 them. I didn't bring those with me.

3 MDM. CHAIRPERSON: Melanie, do you
4 have your blue book sitting in front of you?

5 MR. GRIGG: We have a copy right
6 here. I'll look.

7 MDM. CHAIRPERSON: Okay.

8 MS. RODGERS: My question is that,
9 if that was put in and we did not approve that or
10 remember anything about it, how easy is it to slip
11 in something else that we don't know about.
12 That's what's extremely --

13 MDM. CHAIRPERSON: To answer your
14 question, Cindy -- is it Ciel today or do we have
15 a different court reporter in the room?

16 MR. RAY: We have a different one.

17 MDM. CHAIRPERSON: Okay. This is
18 Rosanne Kinley. Cindy, you're right. Things
19 happen. Things happen to our regs every day. And
20 I don't know if it happens --

21 MR. GRIGG: All I can say to that
22 is, nothing has happened to these that y'all
23 haven't discussed.

24 MDM. CHAIRPERSON: I know.

25 MR. GRIGG: I sat in the room with

1 you. We discussed every bit of that language
2 going in and --

3 MDM. CHAIRPERSON: And I agree with
4 you, Dean. I'm not implying that. I'm just
5 saying, I think what has happened, and until Dean
6 -- until you get to the blue book and pull this up
7 --

8 MR. GRIGG: It's not in the blue
9 book. The blue book has 35-6 repealed in its
10 entirety, so -- or deleted. I shouldn't say the
11 word repealed.

12 In the blue book, your 2000 version
13 says, 35-6 deleted by State Register, Volume 21,
14 issue number 6, Part 2, effective June 27, 1997.
15 So it doesn't come from there, and I would have to
16 go back and weed through all of our previous
17 discussions to see where we originally got that
18 language from. But, again, that was --

19 MS. MANN: And we can change it
20 now, right? If they want to from the new one?

21 MR. GRIGG: It can be changed, I
22 believe. I would have to check on this. It can
23 be changed at the final draft stage, 42-18.

24 MDM. CHAIRPERSON: That would tell
25 me -- and, Dean, again, we signed off on this,

1 you're right. Because this is sitting in front of
2 me. This has nothing to do with anything. It was
3 obviously cut and pasted from somewhere else and I
4 don't know where, but --

5 MR. GRIGG: I don't either,
6 Rosanne. I'd have to go back and look to remember
7 where we got it from.

8 MS. RODGERS: And, Dean, this is
9 all due respect to you -- this is Cindy Rodgers
10 again -- it is all due respect, I'm not
11 questioning you or -- I'm just saying, if it's
12 that easy for things to be misconstrued and we
13 don't remember it or can't find it --

14 MR. GRIGG: But my point is, it's
15 not easy because for weeks and several meetings,
16 y'all have had these in front of you and discussed
17 these and it was -- again, I appreciate and I
18 understand you're not blasting me. But with all
19 due respect to y'all, it was every bit of your
20 all's responsibility as much as it was mine to
21 understand what was in there and y'all voted on
22 it.

23 MDM. CHAIRPERSON: And you couldn't
24 be -- you're absolutely right.

25 MS. THOMPSON: With all due respect

1 to everybody -- this is Melanie Thompson -- how
2 many times have we all read through these regs and
3 Dean and Rosanne and I, we were all three on top
4 of this where we read things, and the very next
5 day checked them again and had missed it. So
6 we've been looking at these same regs for ten
7 years and so it's very easy to overlook
8 something.

9 MDM. CHAIRPERSON: This is Rosanne.
10 And the question is, is the proposed regs that are
11 down at the State House now, can that limit be
12 reassessed? Because what that's telling me is if
13 an inspector walks into a salon and they have
14 eight unlicensed individuals in there working,
15 then we can only assess a civil penalty of 2500
16 where, in actuality, that should be \$500 per
17 individual, can that be addressed?

18 MR. GRIGG: All right. And two
19 parts to that, Rosanne. It looks like Melina just
20 looked it up. I believe and I do think I vaguely
21 remember this being a part of our conversation. I
22 believe we took that language from the citation
23 authority in the Residential Builders.

24 MDM. CHAIRPERSON: Okay.

25 MR. GRIGG: So it may be that

1 that's -- well, it is where that number came from.
2 It's the exact language. So I think that's where
3 we took it from originally. And I understand, I
4 hear you. I think Melanie said it. I understand.
5 Sometimes you look at things and it gets missed,
6 it gets overlooked. I do it all the time,
7 unfortunately.

8 To answer your question, Rosanne, I
9 will have to double check, but my understanding
10 is, yes, when we get through the public comment
11 and all that other period with 42-18, when we get
12 to the final draft stage, I believe there is an
13 opportunity to make further amendment at that
14 point. I'll have to double check that, but that's
15 what I think I've previously been told and I
16 believe that's correct.

17 MDM. CHAIRPERSON: Melina, do you
18 agree with the assessment, that that part should
19 be stricken out of there?

20 MS. MANN: I think \$2500 is a lot
21 against a business and considering that's just for
22 one day.

23 MR. GRIGG: Well, are y'all saying
24 it's too much or not enough?

25 MDM. CHAIRPERSON: No, no, no.

1 It's enough. We're saying there shouldn't be a
2 limit, that if an inspector comes in the door --
3 our biggest issue, our zero tolerance under zero
4 circumstances is, no allowing of unlicensed
5 practice. And if they walk in there and they've
6 got eight people working in there, a \$2500
7 citation is zip to them. They do not -- it
8 doesn't matter. We're not going to be going back
9 in there the next day or the next.

10 MR. GRIGG: Okay. And that's your
11 all's call. And let me figure out exactly how we
12 need to do it. I believe -- in fact, if y'all
13 give me a minute, I'll step out right now and try
14 to verify that.

15 MDM. CHAIRPERSON: Because my thing
16 is, if it says \$500 per offence, you know, if they
17 got -- you know, Melina, prior to, years ago,
18 years ago, one of our inspectors went into a salon
19 and saw a nail shop and observed them doing a wax
20 procedure, hair removal, waxing procedure, and
21 charged -- assessed them a civil penalty of \$500
22 for every appointment on the book, it hit \$21,000.
23 That got their attention.

24 MS. THOMPSON: Ms. Mann, I need to
25 ask a question. Because the way that this is

1 written, is it per salon or is it \$2500 per day
2 per licensee? How does that read?

3 MS. MANN: See, I think that when
4 we've talked about doing citations in the past,
5 I'm sure Dean probably got this from the
6 Residential Builders Act. In fact, I know because
7 I have the statute in front of me and it's pretty
8 much exactly the same. And so it makes sense for
9 them to assess, you know, for Residential
10 Builders, it makes sense to assess it this way.
11 From y'all, I think --

12 MDM. CHAIRPERSON: I would like to
13 just end the sentence at that first sentence,
14 separate citations may be issued for each
15 violation, period, end.

16 MS. MANN: Right.

17 MDM. CHAIRPERSON: Yes. Yes.

18 MS. MANN: However, I just wonder,
19 if you don't put an amount in there, if you go
20 back to the engine and the engine says impose a
21 fine not to exceed \$500 --

22 MDM. CHAIRPERSON: Per event.

23 MS. MANN: Right. Unless otherwise
24 specified by statute or regulation enforced.

25 MDM. CHAIRPERSON: Oh, okay.

1 MS. MANN: You're okay with \$500,
2 then.

3 MDM. CHAIRPERSON: Yes.

4 MS. MANN: Okay. Because that will
5 be what would be used if not -- if you don't have
6 a price in there, or a fine in there.

7 MDM. CHAIRPERSON: Right.

8 MS. MANN: Okay.

9 MDM. CHAIRPERSON: Yeah. I mean,
10 I'm not arguing about the 500. I'm just saying
11 when you have a limit on, you know, because --
12 trust me, Melina. To me, if someone assessed me a
13 \$2500 penalty, yeah, it would break my heart.

14 MS. MANN: Right.

15 MDM. CHAIRPERSON: But that is why
16 the Board went back several years ago and it
17 started implementing these classes because the
18 civil penalty did not phase them. Those that were
19 consistent in breaking the law, the civil penalty
20 had no effect on them whatsoever.

21 MS. THOMPSON: But, again, I don't
22 think my question has been answered. This is
23 Melanie again. Whether it currently -- well, does
24 it say \$2500 limit per day salon or per licensee?

25 MS. MANN: You're saying, how do we

1 read this?

2 MS. THOMPSON: Yes. What is the
3 interpretation of how you --

4 MS. MANN: It says against an
5 entity or an individual per day. So I think that
6 you could get the salon's owner for \$2500 and
7 that -- I mean, I think that that's a question
8 that, that would be an interpretation question.

9 The way that I read this right now
10 is that, regardless of what a salon does, they're
11 not going to get assessed for more than \$2500. I
12 think that the entity or individual, I think it
13 would be something the Board would eventually be
14 called to answer because, perhaps, an inspector
15 would go out there and say, okay, well, you're the
16 salon's owner, we're going to give you the \$2500,
17 but then the salon itself is also going to have to
18 pay a \$2500 fine. And the argument could be made,
19 look, we're the same entity, but that -- I think
20 that's an open question as it's written right
21 here.

22 MS. THOMPSON: Which is the main
23 reason for the red flags that were raised by the
24 Board members not remembering the verbiage
25 because, as you said, it may fit the cosmetology

1 industry. And, you know, I've sent several emails
2 asking questions, or asking that my questions be
3 answered from Monday before I would feel confident
4 voting and this is part of the reason why. And
5 instead of it getting my questions answered, I've
6 just been told that we need to expedite this
7 process just because of the physical resources and
8 things like that that are being sent to have these
9 conference calls, which I completely understand.

10 However, as a Board member, it is
11 my responsibility to understand the information
12 that I am voting on and, you know, I've attempted
13 several times to get an explanation since Monday
14 and have yet to do so.

15 MS. MANN: Well, I'm sorry. I
16 didn't get any of your questions, Melanie, or I
17 would have been happy to answer them. I think,
18 right now, I think that, as I said, that's an open
19 question. If y'all want to stop it after
20 violation, we can do that. And, Dean, right now,
21 is checking to see can we change them now or do we
22 have to wait. So he's going to come back with an
23 answer that.

24 MS. WEBB: Kathy Webb. I'd rather
25 be clear on -- you know, hopefully, he's right in

1 that that can be addressed after the 30 days,
2 blah, blah, blah, public question, or whatever
3 that was.

4 MS. THOMPSON: And I feel that --
5 this is Melanie again -- I'm still -- although I
6 understand the logistics behind the parallel
7 proposal, I understand that. The problem I'm
8 having is, this entire process is being done
9 simply because of what the word on the underground
10 is, received by one or two people at LLR and,
11 unfortunately, the Board members and their
12 contacts have not heard anything.

13 MS. MANN: Now, remember, Katherine
14 has been testifying at LCI and they're supposed to
15 testify tomorrow as well. So I'm guessing it's
16 somebody from the LCI Committee. She didn't tell
17 me -- I mean, I'm not sure, you know. She's kind
18 of going out on a limb here, too. I really think
19 she was just kind of, you know, giving a friendly
20 heads up.

21 MS. THOMPSON: And I --

22 MS. MANN: And you don't have to
23 --

24 MS. THOMPSON: But I have -- hold
25 on, Melina. I mean, I have a Senator that I'm

1 personal friends with on the LCI subcommittee and
2 he's oblivious to all this. So that's the reason
3 I'm just wondering where this is coming from and
4 why I'm needing a little more information
5 before -- I feel like we're being fast tracked to
6 do something and, unfortunately, you guys are
7 having to be penalized, for lack of a better
8 words, for what's happened in the past with our
9 regs and things that we didn't have that we
10 weren't aware of and now we're being extremely
11 cautious and, unfortunately, you guys might think
12 that that's, you know, delaying the process or
13 being insufficient --

14 MS. MANN: No, I understand.

15 MS. THOMPSON: -- had the wool
16 pulled over your eyes one time and not wanting it
17 to happen again.

18 MS. MANN: Right. And I
19 understand, you know. These regs, they're your
20 baby. I totally understand that. So you've all
21 worked hard. There are certain things that you
22 know you want in there and maybe I'm just, you
23 know -- I don't look at behind -- no. I just want
24 what's best for the Agency. So if my director
25 tells me, look, here's what I'm hearing, I'm going

1 to say, well, what can we do about that. And so
2 if y'all feel that -- I mean, I'm not trying to --
3 I mean, I don't really know exactly what you're
4 getting at, Melanie, but I'm trying to sort of
5 read between the lines here. I'm not trying to
6 push it --

7 MS. THOMPSON: Well, I'm hoping I'm
8 saying directly what I'm saying. I don't expect
9 you to read between the lines. I mean, in this
10 process, if we have a licensee who's going to file
11 a complaint about something, we don't just take
12 the hearsay of something. We make them put their
13 name to it to validate and verify that it is a
14 legitimate complaint.

15 MS. MANN: Right.

16 MS. THOMPSON: So if there is talk
17 or questions down at the State House or at the LCI
18 Committee, then I have no problem with that and I
19 appreciate anybody trying to help us clarify that.
20 But instead of just saying, oh, well, this is what
21 I'm hearing and this is what I'm thinking, say,
22 Senator X is having a problem with it and this is
23 what we're going to try and do to appease him,
24 instead of saying they.

25 I mean, make us understand that it

1 is not just something somewhere, somebody who --
2 instead, validate it for us. And when that
3 happens, I will respectfully and appreciatively
4 cooperate and do anything I can to help. But
5 until such time, I have to kind of be a little bit
6 difficult.

7 MS. MANN: Okay.

8 MS. THOMPSON: And it made me
9 skeptical yesterday when I spoke with one of the
10 House of Representatives, when he -- he gave me
11 similar the same spiel. I don't know enough about
12 the industry for those questions to be raised.

13 MR. GRIGG: Y'all, this is Dean
14 again. I'm back in here and we're trying to find
15 that answer for you. But on what I'm just picking
16 up, y'all are currently talking about -- look, I
17 hear you. I understand. But here's the bottom
18 line. This stuff has to be done by Friday. So
19 you've got to make a decision today in some form
20 or fashion whether you're either going to go for
21 broke with 42-18 or whether you're going to try to
22 at least get some of this stuff pushed through.
23 And that's really -- I understand your --

24 MS. THOMPSON: And that, in and of
25 itself, is problematic for me.

1 MR. GRIGG: And if your conscience
2 says vote no, then that's your conscience,
3 Melanie. But we've got to have something from
4 y'all.

5 MDM. CHAIRPERSON: Okay. Here it
6 is in a nutshell. I understand what Melanie is
7 saying. We got so burned when we spent years
8 working on those last regs that we submitted. Did
9 we make mistakes? Yeah. As we see, it happens,
10 you know. But we did not remove English as a
11 requirement from those regs before. We did not
12 remove several other things that got removed.

13 Now, I'm not suggesting -- and
14 nobody sitting in that room had absolutely
15 anything to do with that. So with that being
16 said, we are resubmitting regs with all of our
17 love and passion combined into the proposed regs
18 that have gone. But if none of those passes, we
19 are exactly where we are today.

20 The other thing is, you know, if
21 we're a gambler and we want to take a chance that
22 45-18 passes in its entirety -- and trust me when
23 I tell y'all, I will be watching that State House
24 website every single day, every single minute and
25 I will be at those meetings and fighting to get

1 45-18 passed in its entirety. But if it doesn't,
2 then at least this gives us a second shot of
3 getting the citations back in there; therefore,
4 the past 18 years, we thought it was legal and
5 were eagle eye in the room found that they were
6 questionable or to get the fingerprinting that
7 we're all extremely passionate about, at least,
8 we'd have a double -- double our chances on that
9 lottery ticket of those two things being passed.

10 MR. GRIGG: And, Rosanne, can I add
11 this? Guys, again, I'm your all's attorney. I am
12 giving you best my best legal advice. You have no
13 reason not to do this. I know it frustrates you.
14 I know it's not what -- as Rosanne said, your
15 passion and what you want to have happen. But
16 42-18 is either going to pass or it's not, whether
17 you've got anything on a parallel track or not.

18 If it passes, then this is all a
19 dead issue. If it doesn't pass, then you're left
20 with either nothing or you're left with at least
21 some form of fingerprinting authority and citation
22 authority.

23 MS. WEBB: Dean, Kathy Webb. I
24 will say, you do -- and I don't want to be beating
25 a dead horse. But you, as an attorney, I do trust

1 you, our attorney. I trust you and I believe in
2 you. It's just that, like you say again -- I
3 think the problem is, we just want to be so sure
4 -- and I know we need to make a decision on this.
5 It's just like you say, we've been told you can do
6 this or you don't have to do this, and we were --
7 that was counsel telling us that and we should
8 have done just the opposite.

9 MS. THOMPSON: And, unfortunately,
10 being -- again, this is Melanie -- even though
11 I've told you before, you have looked out for us
12 and had our best interest and you have advised us
13 legally and we greatly appreciate that.

14 Unfortunately, we feel we have
15 battle wounds and scars from our previous attorney
16 telling us to do something and, now, it has come
17 and --

18 MR. GRIGG: I got you. But that
19 has nothing to do with your decision today in form
20 or fashion. Y'all have a reg proposed already out
21 there. It's either going to get passed or it's
22 not. The question is, do you want some form of
23 backup on a couple of these issues or do you not.

24 MDM. CHAIRPERSON: Basically,
25 insurance.

1 MR. GRIGG: That's what this comes
2 down to.

3 MDM. CHAIRPERSON: Basically, an
4 insurance reg.

5 MR. GRIGG: It can't be made any
6 plainer than that. We can fight, we can argue, we
7 can voice our complaints about it all we want. I
8 hear you. I understand.

9 MS. THOMPSON: But I do have one
10 other question. These two, the 35-5 and the 35-6
11 on the proposed measure, am I to understand that
12 those are the two that have the hot topics for
13 one, but that there's the potential for everything
14 to be not passed or is there the potential for
15 everything with the exception of those two to not
16 be passed unless we parallel track?

17 MR. GRIGG: With regard to 35-6,
18 the citation issue, I'm not aware -- and, Melina,
19 correct me if I'm wrong -- I'm not aware of there
20 being a hot topic with the citation issue. I
21 think it's a fear of, if 43-18 is voted down, then
22 we are we are stuck without it. So that's simply
23 a parallel track of trying to make sure that at
24 least that gets passed.

25 Now, obviously --

1 MS. THOMPSON: Would the whole
2 package be turned down, denied if there's not a
3 parallel for just these two? Could the package be
4 approved potentially with the exception of those
5 two if there's not a parallel track?

6 MS. MANN: I don't think the
7 parallel track has anything to do with whether or
8 not the initial, all the initial regs get passed.
9 The parallel tracks are, really are us saying,
10 look, we really, really desperately need the
11 citation. And the fingerprinting, we know, is
12 important and the fingerprinting, because of all
13 the cosmo fraud -- and I know that Katherine
14 testified a couple of weeks ago -- because of
15 that, maybe the time is feeling right for that.

16 MS. THOMPSON: No, I understand
17 that.

18 MS. MANN: But it has nothing to
19 do -- I don't think whether or not you decide to
20 do the parallel track, I don't think that's going
21 to affect whether or not that bill -- that all the
22 regs get passed in their entirety.

23 MR. GRIGG: I agree.

24 MS. THOMPSON: Okay. Maybe I need
25 to simplify my question. Do these regs passed as

1 a package or will they pick and choose them and
2 pull apart what they want to approve or not?
3 Regardless of these changes that we're talking
4 about being on a parallel track today, the
5 original package that's there now, does it have to
6 be approved as a whole or can it be picked and
7 pulled apart by the Senate for approval?

8 MR. GRIGG: I think -- and, again,
9 I'll verify this -- but I believe that 42-18 will
10 either be passed in its entirety or shot down in
11 its entirety.

12 MS. THOMPSON: What about other --

13 MR. GRIGG: I didn't hear that.
14 I'm sorry.

15 MS. THOMPSON: What about all the
16 others?

17 MS. MANN: In its entirety.

18 MR. GRIGG: Do you mean, the other
19 sections in 42-18?

20 MS. THOMPSON: Yes.

21 MR. GRIGG: That's what I'm saying.
22 I think it either gets shot down as a whole or
23 gets approved as a whole. And I know Melina
24 mentioned on Monday to you a couple of other
25 things that have been mentioned to her by

1 Katherine that had been mentioned as causes of
2 concern, and I can't remember those right off the
3 top of my head.

4 But I think there was more than one
5 concern and --

6 MS. MANN: It was the requirement
7 for the school, we talked about that. Just that
8 they had felt like it was very specific and too
9 many, or at least one person did.

10 Again, I think that kind of goes
11 with the sentiment right now that, you know,
12 there's just a certain feeling that just many
13 professions are over-regulated, and so that would
14 kind of go along with that. And I think Melanie
15 is the one who made this point, you know. People
16 don't know what -- they don't really know about
17 your profession, they don't know what it is that
18 you're doing. They don't know who's asking you or
19 that the schools are actually telling you, you
20 know, we want to know what we need, what we don't
21 need.

22 MS. THOMPSON: You have one of the
23 school owners association in your room right
24 there, Steven Dawson and Angie Shuler. And I
25 believe Steven Dawson worked diligently and I

1 believe -- if I'm incorrect, I apologize -- but I
2 believe that it was Steven who actually said, you
3 know, no, we want that back in there. So we think
4 that's in an effort to work with --

5 MS. MANN: He's shaking his head.

6 MDM. CHAIRPERSON: Yeah. I find it
7 extremely laughable that a Senator, who is
8 probably a funeral corrector, would question what
9 a cosmetology school needed to have in their regs.
10 I mean, really?

11 MS. MANN: Right.

12 MDM. CHAIRPERSON: So, you know,
13 I'm going to tell you how many caskets you have to
14 have in your funeral home? You know, that's --

15 MS. THOMPSON: And not only that,
16 but at least one person questioning something that
17 would affect 30,000 licensees, are we really going
18 to consider making changes for one person who has
19 absolutely no idea what they're talking about?

20 MDM. CHAIRPERSON: Exactly. And we
21 will all deal with that when they've actually --

22 MS. THOMPSON: We're all on the
23 record as what our concerns are. I mean, this is
24 on the record. They know what we want, that we're
25 having to make the decision today as to whether or

1 not we're going to get this bill passed or if
2 they're just going to -- now, help me with this --
3 if they're just going to pick and choose what they
4 want to pass.

5 MDM. CHAIRPERSON: The question on
6 the table today is, do we have -- do we give
7 ourselves double insurance to get these two hot
8 topic things passed.

9 MS. THOMPSON: And could I ask one
10 question? And this may be -- I don't know if this
11 is in line or not, but would it be, in order to
12 ask what -- I know that we've got Angie and Steven
13 in the room, I think I heard Chesley and I'm not
14 sure who -- what we're doing today drastically
15 affects them and their business. Is it in order
16 to ask what their input or what their thoughts are
17 on this?

18 MS. MANN: They want to hear public
19 comments.

20 MR. GRIGG: You can.

21 MS. THOMPSON: I mean, I would
22 like to make a motion that we do that, but we need
23 the public comment at this point before we have to
24 get to a vote. And I really would like to hear
25 what they have to say about what we're discussing

1 right now.

2 MS. RODGERS: I second that motion,
3 if that's on the table.

4 MR. GRIGG: And, again, will y'all
5 state -- I know who you are but not everybody
6 does -- so when you speak, will you state --

7 MS. THOMPSON: That was Melanie
8 Thompson.

9 MR. GRIGG: Melanie, you made the
10 first. Who made the second?

11 MS. RODGERS: Cindy Rodgers.

12 MR. GRIGG: All right.

13 MDM. CHAIRPERSON: We have a motion
14 and a second on the table to move into public
15 discussion at this time. All in favor signify by
16 saying aye.

17 (Response)

18 MDM. CHAIRPERSON: Opposed?

19 (No response)

20 MDM. CHAIRPERSON: Okay. Motion
21 carried. Angie, Steven, Chesley, does anyone have
22 any public comments in regards to what I'm calling
23 an insurance policy, to be quick about it.

24 MR. DAWSON: This is Steven Dawson.
25 I'm 100 percent for the fingerprinting. I think

1 this is about the only way we can really regulate
2 the salons to ensure that we're not having
3 fraudulent practices. So I'm for the
4 fingerprinting.

5 As for the citation issues, again,
6 another thing, I'm all for it. We've got to know
7 and they've got to know. And for the \$2500, I
8 know that's going to be handled elsewhere, but,
9 you know, maximing, or having a maximum of \$2500
10 per day doesn't make sense.

11 MS. THOMPSON: Excuse me one
12 second. And this is Melanie Thompson. Just to be
13 clear, what I'm trying to find out from you,
14 because, you know, I make these motions or these
15 votes on behalf of all of you guys, so I want to
16 make sure that I'm doing it with the consensus of
17 the licensees. What I want to know is, how do you
18 feel about us proposing this parallel track to go
19 along with the regs, just in case the package that
20 is already there, that I know you particularly
21 worked very diligently in getting the wording the
22 way we wanted it, now, essentially, we're going to
23 be voting on spinning something else which is not
24 exactly what we typically wanted, but to ensure
25 these other issues happen. How do you feel about

1 that specifically?

2 MS. SHULER: This is Angie Shuler.
3 I kind of feel like we're in Vegas and we're going
4 to roll the dice and we're going to just take in a
5 pot shot at guessing what people we do not know
6 think about what we are proposing.

7 If Kenneth were here, he'd probably
8 be saying go for it, roll the dice and just shoot
9 for the whole thing. But I am a different sort
10 and I would rather have the bird in the hand. If
11 there's a chance that we can underwhelm them with
12 all of this and look like we were able to nail
13 down two very important issues that we would
14 really like to achieve, we might look a little
15 less -- I'm an English teacher and I don't know
16 the word -- a little less imposing or a little
17 less like, you know, we're going to stick to our
18 guns or else and go in flames in going down and,
19 by golly, dingo, and then what do we get?
20 Nothing.

21 MDM. CHAIRPERSON: Well, like I
22 said, we're going forward with the full bang.
23 We're going forward with the flash job, but we
24 wanted to have our backup. You know, basically,
25 it's a backup plan. Like I said, it's our safety

1 net in case 45-18 plummets, we have a second
2 chance coming down the pike to get fingerprinting
3 and a second chance coming down the pike for the
4 citation issue.

5 MS. THOMPSON: This is Melanie
6 again. Am I to understand, Angie, that you are in
7 favor of approving this parallel track?

8 MS. SHULER: There's a whole group
9 back here. Chesley, Steven and I are in favor,
10 yes.

11 MR. GRIGG: I'm sorry, Chesley. I
12 think that you had a question?

13 MS. PHILLIPS: Is there any other
14 Board or Commission that has a cap on what a
15 particular entity or particular person can be
16 fined?

17 MR. GRIGG: Yes.

18 MDM. CHAIRPERSON: Well, that came
19 out of the Residential Builders.

20 MS. MANN: And the engine does say
21 \$10,000. If we have to enforce an injunction at
22 the ALC, it says that the ALC can impose a fine of
23 no more than \$10,000.

24 MS. PHILLIPS: Okay. Knowing what
25 Rosanne earlier with the licensee that was, or the

1 salon that was charged \$21,000 because they had 42
2 people on the book, they had been waxed by a nail
3 technician, and in view of what occurred yesterday
4 or what was in the news today about the client
5 having to be hospitalized because of an infection
6 because of an eyebrow waxing, I don't think you
7 can take another point, another stand than that.
8 I think that's what you have to do.

9 Nobody should have to be
10 hospitalized because they got their eye brows
11 waxed for eight dollars, period, the end.

12 MDM. CHAIRPERSON: Exactly.

13 MR. GRIGG: And, y'all, let me
14 answer a couple of questions that I know you've
15 raised to me. I've stepped out once or twice.

16 The citation issue, the \$2500, I
17 have a call in to legislative counsel and they're
18 supposed to be calling Jennifer back to answer the
19 question of whether or not at the final drafting
20 stage, the changes that we could propose at the
21 point could be any changes that we may have or
22 otherwise or whether or not they would only be
23 changes based on any public comment we got.

24 So I'm trying to get that question
25 answered. In the meantime, if it's not possible

1 to do it that way, if it's not possible to make
2 that change at the final drafting stage, then what
3 I see as your two options are, you either withdraw
4 all of 42-18 to take that 2500 back out, which I
5 think would be difficult and is going to cause a
6 lot of problems, or we can submit this parallel
7 track of 35-6 with that language out.

8 The problem you get into is, if you
9 actually get what you want and 42-18 is adopted,
10 then it's in there. If you don't get what you
11 want and 35-6 gets adopted separately, it's not in
12 there. So I'm trying to get an answer on how to
13 reconcile that and I don't have it yet, but that's
14 where that answer stands now.

15 MDM. CHAIRPERSON: Well, this is
16 Rosanne --

17 MS. THOMPSON: This is as clear as
18 mud to me.

19 MDM. CHAIRPERSON: Yeah. Well, the
20 bottom line is, we blessed that language in the
21 45-18. There, it's done. We can't do anything
22 about that, unless Dean comes back with a, yes, in
23 the final draft we can adjust that.

24 MR. GRIGG: The second question I
25 stepped out on was, I think, Melanie's question

1 about 42-18 being adopted or rejected in its
2 entirety, and that is the case.

3 Now, nothing prevents the
4 Legislators from sending something back to us and
5 saying, we would like a rewrite on this specific
6 issue. But when it comes to final vote for them
7 next spring sometime, it will be 42-18 in its
8 entirety up or down.

9 MDM. CHAIRPERSON: Well, then, why
10 are we having such an issue? Let's just say it
11 again. Maybe I'm thinking this wrong. Why are we
12 having an issue with the English language if we've
13 already sent that in and it's voted at its
14 entirety or, like Melanie said, pick and choose?

15 MR. GRIGG: Because 40-18 will have
16 to be voted up or down in its entirety. But when
17 35-5 and 35-6, these two things we're discussing
18 today, are submitted on a parallel track, they
19 will also get their own identification number,
20 5,000, 5,002, whatever, and then those will be
21 voted on in their entirety.

22 So just because 40-18 gets voted
23 down, if that happens, this way, you have a later
24 proposed reg on the fingerprinting issue, on the
25 citation issue, that they will still have to

1 consider and vote on.

2 The thought process on the
3 fingerprinting issue is, if it gets voted down, if
4 42-18 gets voted down because of that concern over
5 the English language requirement, then submitting
6 it as its own separate proposed reg without that
7 information and that language in there, hopefully,
8 it will go through and you, at least, will have
9 some version of fingerprinting authority at that
10 point.

11 MS. THOMPSON: This is Melanie
12 again. Why could we not send the English language
13 through as its own separate reg with its own
14 separate number as a check and balance system?

15 MR. GRIGG: Well, number one, it's
16 already -- I mean, again, 42-18 is already out the
17 door with it in there. So unless, like I said
18 just a minute ago, if you're going to withdraw the
19 whole thing, which y'all don't want to do. But
20 then the second part is -- I mean, so that part is
21 going to get up or down one way or the other. If
22 that truly is a hang-up, a point of contention
23 with the Legislature, then that part is going to
24 be addressed in 42-18.

25 What you're concerned about and

1 what we're concerned about on 35-5 is getting the
2 fingerprinting through, and if the hang-up on the
3 fingerprinting is the English language information
4 that we're concerned with, then this has it not in
5 there, so this will hopefully go through.

6 It doesn't do you any good, that I
7 see, to submit a third one that says just the
8 English language part, because if they don't have
9 a problem with it and were going to pass that,
10 they would have done so originally in 42-18.

11 MS. MANN: I made the comments
12 about like the chairs and whatnot, like if that's
13 also a problem. She just wants another safety net
14 for the English speaking part. Right?

15 MS. THOMPSON: Well, essentially
16 what I'm understanding is, is that you guys, LLR
17 and legal are very concerned about the citation
18 issue and with the fingerprint issue, just like
19 the Board is and just like the people in the room.
20 And so you're doing this parrel track or proposing
21 this parrel track as an interim policy, as Rosanne
22 has said or a safety net as someone else has
23 called it.

24 The English language is extremely
25 important to the members of the Board. So if

1 they're going to do a safety net or an insurance
2 policy for two, why are we just sticking to those
3 two? Why aren't we trying to do that with some of
4 the others that are just as important but, somehow
5 or another, are not being proposed for the
6 parallel track?

7 MR. GRIGG: The citation issue,
8 because it's so important to all of us, to y'all
9 and to LLR, we want to make sure it gets through.
10 So that's why it's being sent separately.

11 The English language issue is the
12 issue that I was told to redraft and present to
13 y'all without that English language information in
14 there. There is nothing preventing y'all. If
15 your all's vote today is for us to submit every
16 section individually, that's what we would do.

17 I mean, again, and I think Melina
18 said this, it is your all's vote. It will be
19 submitted. And I don't think that's necessary,
20 but if that's what y'all directed us to do, that's
21 what I would do.

22 MS. THOMPSON: And I understand
23 that and I -- but the problem is, if it gets
24 passed in its entirety, whoever is ticked off
25 about the English language part, it's going to

1 reflect on the Board.

2 If it doesn't get passed in its
3 entirety and all those who are in favor of the
4 English language and now it's not there, I mean,
5 either way, it's the Board who's left holding the
6 bag and, at this point, it's really -- we'd have
7 to choose the lesser of the evils and just gamble
8 with something that, in my opinion, is extremely
9 dangerous, yet important. And so it's very
10 difficult to make this choice.

11 MDM. CHAIRPERSON: But we don't
12 have it now.

13 MS. THOMPSON: No, I understand
14 that. That's the one --

15 MS. MANN: From a legislative point
16 of view, too, there's 40 Boards, right? There's
17 40 different professions and no other profession
18 feels the need to do that, that part, the
19 English-speaking part. So they have to think,
20 okay, well, the doctors aren't doing this, the
21 nurses aren't doing this. Why does the Cosmo
22 Board want to do this? And that's why --

23 MS. THOMPSON: They don't
24 understand the chemicals --

25 MS. MANN: Chemicals, I know. But

1 we're talking life or death for other professions
2 as well. And I understand what you're saying, but
3 I am trying to look at it globally and if I were a
4 Legislator, that's what I would think.

5 MS. PHILLIPS: May I say
6 something?

7 MR. GRIGG: Chesley has asked to
8 say something. Are y'all fine with that?

9 MDM. CHAIRPERSON: Yes.

10 MS. PHILLIPS: In lieu of the fact
11 of what just occurred in Rock Hill, it is reported
12 that the individual who did the service was
13 probably not able to speak English. That's why,
14 after she told him that it was burning and hurting
15 here, he just laughed and continued doing the
16 process.

17 MS. THOMPSON: Because he didn't
18 understand.

19 MS. PHILLIPS: Because he didn't
20 understand what she was saying. I don't think he
21 was laughing at her because she was getting hurt.
22 I think that's, a lot of times, the way that they
23 deal with the situation is to sort of just laugh
24 it off.

25 MS. MANN: But how are they taking

1 the test in English?

2 MDM. CHAIRPERSON: They're not
3 Melina.

4 MS. MANN: Right. But aren't we
5 trying to crack down on that, too? I'm hoping,
6 you know, fingerprinting to crack down on the
7 schools, up-fronting all the licenses through the
8 NIT database. It's just going to take time but
9 we'll get there. But if you want to submit the
10 English as a separate part, we can do that.
11 Right, Dean?

12 MR. GRIGG: If that's what y'all
13 voted to do, I would try.

14 MS. MANN: But we would have to
15 move fast because you'd have to approve it. We'd
16 have to draft it today.

17 MR. GRIGG: I'll step out and
18 verify that, too. But I think the notice of
19 drafting would have to be out tomorrow in order
20 for it to be published in the State Registry the
21 end of December, which puts us at the end of
22 January for the public comment period, the first
23 two weeks of February for a public hearing, if
24 necessary.

25 I'm not real good at math, but I

1 think you run out of your 120-day review period by
2 June --

3 MS. RODGERS: Dean, this is Cindy
4 Rodgers. So your advice to us as our loyal
5 attorney -- if you can get that loyal --

6 MR. GRIGG: I know there was no
7 sarcasm in that at all.

8 MS. RODGERS: There's not, there's
9 really not. But because what you're saying is,
10 you're advising us that we've got a chance of
11 losing the biometric system just because the
12 English language is in that bill; is that right?

13 MR. GRIGG: Yes.

14 MS. RODGERS: But we've got a
15 better chance of getting the biometric system
16 passed if we don't put that about the English
17 language; am I right? I mean, that's just cut and
18 dry?

19 MR. GRIGG: Yes. I believe we have
20 another comment or question.

21 MS. SHULER: Right. This is Angie.
22 I was just talking with Chesley and, whereas,
23 we're in favor of this, also you've got to
24 consider in the incident of the eyebrow brow issue
25 that just occurred, if it was a person that went

1 through the Board, we could ascertain if, you
2 know, they spoke English and that sort of stuff.

3 There is nothing about the regs
4 right now requiring them to speak English that's
5 going to prevent those not licensed, those not
6 legitimately working in that salon, from being in
7 that salon and working and doing the same thing.

8 So I'm beginning to see that, yes,
9 we do have a wonderful issue and, yes, it is very
10 important. But is it more important than getting
11 anything at all at this time?

12 MDM. CHAIRPERSON: Exactly.

13 MS. THOMPSON: And, Angie, I agree
14 with you wholeheartedly. This is Melanie. But
15 one of the reasons that we are so skeptical is
16 because this Board and the committee that have
17 worked on these regs for the past ten years never,
18 ever signed off or approved on removing that from
19 the regs where it was in the blue book, whatever
20 year that was.

21 MS. MANN: Well, I promise you
22 this. Neither me -- this is Melina, and I know I
23 can speak for Dean, too, about this -- we are not
24 secretly going, trying to get things out of the
25 regs, you know. We are not doing any of that. We

1 would not do any of that.

2 So I feel like perhaps in the past,
3 y'all feel like that happened. We are not a party
4 to doing anything like that. And I would also --

5 MS. WEBB: Kathy Webb. I am
6 three-stacked right now. And, I am sorry, there
7 are four -- how many are there to take a vote.
8 I'm so sorry. I am --

9 MDM. CHAIRPERSON: Well, can we
10 move on with a motion? Are we ready to make a
11 motion on any of this?

12 MS. WEBB: Because I've already
13 been cut off of this call twice and I've had to
14 come back in the last 20 minutes.

15 MDM. CHAIRPERSON: Is anybody ready
16 to make a motion and move on with this while Kathy
17 is -- before her people --

18 MR. GRIGG: Rosanne, can I ask, if
19 y'all are ready when you're ready -- I'm certainly
20 not forcing you -- but will y'all make separate
21 motions for each just to make it clean?

22 MDM. CHAIRPERSON: Okay.

23 MR. GRIGG: And, then, yeah, in
24 35-6, y'all have to tell me what y'all want to do
25 on the \$2500.

1 MDM. CHAIRPERSON: Well, and my
2 suggestion would be, if this Board makes a motion
3 to do a parallel with 35-6, then we change the
4 verbiage to simply say, instead of a limit per
5 day, then it's parallel to the language in the
6 Practice Act of \$500 per occurrence, incident or
7 whatever the word is there, that there is that
8 cap.

9 MR. BROWN: I would agree to remove
10 the cap. This is Selena Brown. I've been trying
11 to figure it all out. But I think there should be
12 a limit on it.

13 MDM. CHAIRPERSON: Right. I mean,
14 we've seen that happen in the past, so -- is
15 anyone prepared to make a motion on 35-6 parallel?

16 MS. RODGERS: I'm prepared to make
17 the motion on what we just said, that's parallel
18 of that 35-6.

19 MS. BROWN: I second.

20 MDM. CHAIRPERSON: And did I hear a
21 second?

22 MS. BROWN: That was Selena Brown
23 seconding it.

24 MDM. CHAIRPERSON: Okay. Cindy
25 made the motion and Selena second for moving

1 forward with a parrel motion -- or parallel bill
2 of 35-6 with the cap taken -- released from it.

3 MR. GRIGG: And I was going to say,
4 just as a point of clarification on that, Rosanne,
5 if I can --

6 MS. WEBB: Y'all, I have got to go.
7 I have got to go, I'm telling you. I'm so sorry.
8 Kathy Webb, bye.

9 MR. GRIGG: We still have a quorum,
10 don't we?

11 MDM. CHAIRPERSON: Dean, go ahead.
12 Yeah, I think we do. We do.

13 MS. THOMPSON: But we only have it
14 for about five more minutes.

15 MDM. CHAIRPERSON: I know. I
16 know.

17 MR. GRIGG: All right. So real
18 quick, a point of clarification is that you want
19 it to mirror the language in the \$500 a day,
20 then?

21 MDM. CHAIRPERSON: No. Not \$500 a
22 day. \$500 per occurrence or incident.

23 MR. GRIGG: That's what I mean.
24 I'm sorry. That's what I mean. Not per day. Per
25 occurrence.

1 MDM. CHAIRPERSON: All right. All
2 those in favor, signify by saying aye.

3 (Response)

4 MDM. CHAIRPERSON: Any opposed?

5 (No response)

6 MDM. CHAIRPERSON: Motion carried.

7 Let it be known for the record that Kathy Webb had
8 to leave before the vote was taken, but there was
9 still a quorum present and a unanimous vote with a
10 quorum.

11 Any discussion on 35-5 being
12 submitted?

13 MS. THOMPSON: This is Melanie.
14 I'm not exactly sure which one 35-5 is, because
15 --

16 MDM. CHAIRPERSON: 35-5 is the
17 English for the biometrics. 35-5 is the reg where
18 it's submitted exactly as it is, including
19 biometrics, without the clause for English.

20 MS. RODGERS: I make the motion.

21 MDM. CHAIRPERSON: Do I hear a
22 second?

23 MS. THOMPSON: I'm sorry. I didn't
24 hear the motion.

25 MDM. CHAIRPERSON: Cindy made a

1 move to make a parallel bill proposal with 35-5.

2 MS. THOMPSON: The proposal that
3 came via email. Is that what you said?

4 MDM. CHAIRPERSON: Correct. Well,
5 the 35-5 which is the --

6 MS. THOMPSON: Per occurrence?

7 MDM. CHAIRPERSON: No, no, no, no,
8 no. We've moved on from that. 35-5 is submitting
9 35-5 without the English requirement for the
10 biometrics for examination. It's for all the
11 rules regarding examination.

12 MS. THOMPSON: Against my better
13 judgment, I'm making that motion.

14 MDM. CHAIRPERSON: If you don't
15 want to make it, Cindy, then, don't. It's just
16 double insurance to get the biometrics in there.

17 MS. THOMPSON: Well, I make the
18 motion to take the English language out.

19 MDM. CHAIRPERSON: We're not taking
20 it out. We're just submitting it without -- we
21 don't have it now.

22 MS. THOMPSON: Okay.

23 MDM. CHAIRPERSON: Do I have a
24 second?

25 MS. BROWN: Well, I'll second that,

1 to submit it as it is.

2 MDM. CHAIRPERSON: Without the
3 English requirement?

4 MS. THOMPSON: Without the
5 English.

6 MDM. CHAIRPERSON: Okay. I have a
7 motion and a second on the table to submit a
8 parallel bill for 35-5 on examinations exactly the
9 way it is now with removing the English
10 requirement. Any more discussion?

11 (No response)

12 MDM. CHAIRPERSON: Hearing none,
13 all those in favor signify by saying aye.

14 (Response)

15 MDM. CHAIRPERSON: Opposed?

16 (No response)

17 MDM. CHAIRPERSON: Motion carried.
18 Again, Katherine Webb is not available for the
19 vote.

20 MR. GRIGG: And, guys, thank you
21 all, very much. I know this is frustrating, but
22 thank you.

23 Rosanne, the rest of you on there,
24 Rosanne, everybody, when I find out from
25 Legislative counsel about, if we can make a change

1 during the final drafting period, I'll let y'all
2 know that.

3 MDM. CHAIRPERSON: Okay. Is there
4 anything else on the agenda for today? Any other
5 public comments?

6 (No response)

7 MDM. CHAIRPERSON: If not, I
8 appreciate everybody coming. I'll entertain a
9 motion to adjourn.

10 MS. BROWN: I make a motion to
11 adjourn. This is Selena Brown.

12 MS. RODGERS: And Cindy Rodgers
13 second.

14 MDM. CHAIRPERSON: I have a motion
15 and second for adjournment. Any discussion? And
16 if anybody answers yes, then I'm going to come
17 down there and whack you. All those in favor,
18 signify by saying aye.

19 (Response)

20 MDM. CHAIRPERSON: Opposed?

21 (No response)

22 MDM. CHAIRPERSON: Motion carries.
23 Meeting adjourned. Thank you everyone.

24 (Adjourned at 12:55 p.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Laura S. DeCillis, Certified Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing Meeting was taken before me on the date and at the time and location stated on Page 1 of this transcript, and that said Meeting was recorded stenographically by me and were thereafter transcribed; that the foregoing Meeting as typed is a true, accurate and complete record 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.

I further certify that the original of said transcript shall be hereafter sealed and delivered to the South Carolina Board of Accountancy, Synergy Business Park, Kingstree Building, Columbia, South Carolina, 29210.

Witness my hand, I have hereunto affixed my official seal this 3rd day of February 2012, at Columbia, Richland County, South Carolina.

Laura S. DeCillis,
Certified Court Reporter
State of South Carolina at Large
My Commission expires
August 10, 2015