

BOARD FOR BARBERS & COSMETOLOGY

DRAFT MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, May 13, 2013, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia. The following members were present:

Jessie H. Anders
Ernest D. Chapman, Jr.
Stacy A. Crawford
Norma J. Dorey
Gail L. Mayhue
Jonathan W. Minor
Marie F. Quinn
Daniella Tsamouras

The following board members were not present:

Virginia Lee Sanders
Sean T. Sweeney

DPOR staff present for all or part of the meeting included:

Gordon N. Dixon, Director
Mark N. Courtney, Senior Director/Regulatory and Public Affairs
Demetrios J. Melis, Executive Director
Adam Harrell, Licensing Operations Administrator
Cathy Clark, Administrative Assistant
Candace Howard, Legal Analyst

Representative from the Office of the Attorney General was present for the meeting.

Steven P. Jack, Assistant Attorney General

Ms. Tsamouras, Chair, determined a quorum was present and called the meeting to order at 9:09 A.M. **Call To Order**

The Board took the agenda under consideration.

Approval of Agenda

Upon a motion by Mr. Anders and seconded by Ms. Quinn, the Board voted to adopt the agenda as written.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms.

Tsamouras. There were no negative votes. The motion passed unanimously.

Ms. Tsamouras asked if there was any public comment.

Public Comment

Ms. Crystal Rivenbark, owner of Hair Architecture, a cosmetology salon, addressed the Board on the subject of the fee to reinstate a license that has been expired beyond its 30-day grace period. The Board took Ms. Rivenbark's remarks under advisement.

Ms. Rose Wood, licensed Master Esthetician and RN, addressed the Board in support of online theory education. The Board took Ms. Wood's remarks under advisement.

Ms. Sarah Burchett, licensed Master Esthetician Instructor, addressed the Board in support of online theory education. The Board took Ms. Burchette's remarks under advisement.

Ms. Kristine Jarrett, licensed Master Esthetician, addressed the Board in opposition of online theory education and the need for all instruction to be in a classroom setting. The Board took Ms. Jarrett's remarks under advisement.

Ms. Jennifer Worsham, licensed Master Esthetician Instructor, addressed the Board in opposition of online theory education and the need for all instruction to be in a classroom setting. The Board took Ms. Worsham's remarks under advisement.

Mr. William E. Grobes, IV, owner of College of Beauty and Barber Culture in Chesapeake, VA, addressed the Board on behalf of a student, Ms. Woodard, who accompanied Mr. Grobes and has been unable to pass the English cosmetology theory examination due to a language barrier. The exam is not offered in Ms. Woodard's language, and Mr. Grobes expressed concern that the theory exam is not offered in a paper format. The Board took Mr. Grobes' remarks under advisement.

Ms. Paige Fitzgerald, an attorney at Troutman Sanders, addressed the Board on behalf of Laura A. Todd, owner and instructor of the Institute of Advanced Medical Esthetics, in Richmond, VA, in support of online and distance theory education. Ms. Fitzgerald also addressed the subject of a combined, 1200 hour, basic and master esthetician training program. The Board took Ms. Fitzgerald's remarks under advisement.

Ms. Naheed Ghassemi, owner and licensed instructor of Avi Career Training, Inc., in Great Falls, VA, addressed the Board in support of

online theory education and the need for the flexibility of either classroom or online theory courses. Ms. Ghassemi also addressed the Board on the subject of a combined, 1200 hour, basic and master esthetician training program. The Board took Ms. Ghassemi's remarks under advisement.

Ms. Christine Werne, licensed Master Esthetician Instructor at the Chrism Institute of Esthetics in Virginia Beach, VA, addressed the Board in support of online theory education. Ms. Werne also addressed the Board on the subject of including post-secondary designation to school licensure. The Board took Ms. Werne's remarks under advisement.

Mr. Roger Ney, owner/applicant of Spa Relief Vocational Training in McLean, VA, addressed the Board in support of online theory education and combinations of online and in-classroom training. Mr. Ney read the U.S. Department of Education's affirmation of online learning to the Board. The Board took Mr. Ney's remarks under advisement.

Ms. Christine Gordon, representing Graham-Webb International Academy of Hair in Arlington, VA, addressed the Board on a number of subjects, including separate standards for cosmetology and esthetic schools with regard to online learning; post-secondary education being authorized only through SCHEV and not by the Board; and that the requirement for transfer from one school to another should be an official transcript and not a progress report. The Board took Ms. Gordon's remarks under advisement.

Ms. Margaret LaPierre, owner of Skin Therapy of Virginia, an esthetics spa, appeared before, but did not address, the Board.

Upon a motion by Mr. Minor and seconded by Mr. Chapman, the Board voted to approve the minutes as written of the:

February 11, 2013, Board for Barbers & Cosmetology Board Meeting,
February 12, 2013, Informal Fact-Finding Conference,
February 28, 2013, Informal Fact-Finding Conference,
March 12, 2013, Informal Fact-Finding Conference,
March 26, 2013, Informal Fact-Finding Conference,

Approval of
Minutes for
February 11, 2013
Board Meeting,
February 12, 2013
IFF, February 28,
2013 IFF, March 12,
2013 IFF, March 26,
2013 IFF

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Cases

Ms. Tsamouras recused herself from the meeting.

Ms. Tsamouras
Recused

In the matter of **File Number 2012-02832, Martha Ellen Moats**, the Board reviewed the record which consisted of the Consent Order. Martha Ellen Moats did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-
02832, Martha Ellen
Moats

By signing this Consent Order, Martha Ellen Moats acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings.

Count 1:	18 VAC 41-70-280.A.5	\$ 0.00
Count 2:	18 VAC 41-70-280.A.4	\$ 0.00

SUB-TOTAL (MONETARY PENALTIES)		\$ 0.00
BOARD COSTS		\$150.00
TOTAL		\$150.00

In addition, for violation of Counts 1 and 2, Martha Ellen Moats agrees to revocation of her license.

Upon a motion by Mr. Minor and seconded by Ms. Crawford, the Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, and Ms. Quinn. There were no negative votes. The motion passed unanimously.

As a Board representative in this case, Ms. Tsamouras was not present, did not participate in the discussion, and did not vote on this matter.

Ms. Tsamouras returned to the meeting.

Mr. Minor recused himself from the meeting.

Mr. Minor recused

In the matter of **File Number 2012-02961, Kenneth Dwight Honor**, the Board reviewed the record which consisted of the Consent Order. Kenneth Dwight Honor did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-
02961, Kenneth
Dwight Honor

By signing this Consent Order, Kenneth Dwight Honor acknowledges an understanding of the charges and admits to the violation(s) of the Counts

as outlined in the Report of Findings.

Count 1:	18 VAC 41-20-280.A.3	\$ 0.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 0.00
	BOARD COSTS	\$150.00
	TOTAL	\$150.00

In addition, for violation of Count 1, Kenneth Dwight Honor agrees to a two (2) year probation of his license as of the effective date of this order.

Upon a motion by Mr. Chapman and seconded by Ms. Dorey, the Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

As a Board representative in this case, Mr. Minor was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2012-02962, Kenneth Dwight Honor**, the Board reviewed the record which consisted of the Consent Order. Kenneth Dwight Honor did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-02962, Kenneth Dwight Honor

By signing this Kenneth Dwight Honor acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings.

Count 1:	18 VAC 41-20-280.A.3	\$ 0.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 0.00
	BOARD COSTS	\$ 0.00
	TOTAL	\$ 0.00

In addition, for violation of Count 1, Kenneth Dwight Honor agrees to a two (2) year probation of his license as of the effective date of this order.

Board costs have been imposed in Consent Order companion File Number 2012-02961 regarding Mr. Honor, therefore, board costs are not imposed for this file.

Upon a motion by Mr. Chapman and seconded by Ms. Mayhue, the Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

As a Board representative in this case, Mr. Minor was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Minor returned to the meeting.

In the matter of **File Number 2013-01821, Patricia Medrano Alvarez**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, the Report of Findings, transcript, and exhibits. Patricia Medrano Alvarez did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01821, Patricia Medrano Alvarez

Concerning Count 1, upon a motion by Mr. Chapman and seconded by Ms. Dorey, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Patricia Medrano Alvarez violated the following section of its Regulations.

Count 1: 18VAC 41-20-280.A.3.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Chapman and seconded by Ms. Dorey, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanctions:

Count 1:	18 VAC 41-20-280.A.3.	\$ 250.00

	TOTAL (MONETARY PENALTIES)	\$ 250.00

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01820, Patricia Medrano Alvarez**,

File Number 2013-

dba/Dominican Patty Hair Salon, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Patricia Medrano Alvarez did not appear at the meeting in person, by counsel, or by any other qualified representative.

01820, Patricia Medrano Alvarez, dba/Dominican Patty Hair Salon

Upon a motion by Mr. Minor and seconded by Ms. Crawford, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Patricia Medrano Alvarez's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01825, Khoi H. Huynh**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, the Report of Findings, transcript, and exhibits. Khoi H. Huynh did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01825, Khoi H. Huynh

Concerning Count 1, upon a motion by Mr. Chapman and seconded by Ms. Dorey, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Khoi H. Huynh violated the following section of its Regulations.

Count 1: 18 VAC 41-20-280.A.3.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Chapman and seconded by Mr. Minor, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanctions:

Count 1:	18 VAC 41-20-280.A.3.	\$ 750.00

TOTAL (MONETARY PENALTIES)		\$ 750.00

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01824, Khoi H. Huynh**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Khoi H. Huynh did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01824, Khoi H. Huynh

Upon a motion by Mr. Chapman and seconded by Ms. Mayhue, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Khoi H. Huynh's application, subject to the following conditions:

1. Mr. Huynh must submit a letter from his Probation Officer advising the Board when he has successfully completed his probation; and
2. Mr. Huynh must notify the Board in writing of any new misdemeanor or felony convictions in writing within thirty (30) days of said conviction; and
3. Any and all other terms the Board deems appropriate.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-02081, Joseph L. Wiggins, Sr.**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, the Report of Findings, transcript, and exhibits. Joseph L. Wiggins, Sr. did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-02081, Joseph L. Wiggins, Sr.

Concerning Count 1, upon a motion by Mr. Minor and seconded by Ms. Crawford, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference, and voted to close the file with no violation.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-02074, Joseph L. Wiggins, Sr.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Joseph L. Wiggins, Sr. did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-02074, Joseph L. Wiggins, Sr.

Upon a motion by Mr. Chapman and seconded by Ms. Mayhue, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Joseph L. Wiggins, Sr.'s application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-00108, Morris Cushionberry**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Morris Cushionberry did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00108, Morris Cushionberry

Upon a motion by Mr. Anders and seconded by Mr. Chapman, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Morris Cushionberry,'s application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01483, Shakita R. Wilson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Shakita R. Wilson appeared at the meeting in person, and addressed the Board.

File Number 2013-01483, Shakita R. Wilson

Upon a motion by Mr. Anders and seconded by Ms. Crawford, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Shakita R. Wilson's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms.

Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01485, Gena A. Williams**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Gena A. Williams appeared at the meeting in person and addressed the Board.

File Number 2013-01485, Gena A. Williams

Upon a motion by Mr. Anders and seconded by Ms. Crawford, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Gena A. Williams' application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01614, Eric Pang**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Eric Pang appeared at the meeting in person and was accompanied by Eston Howard, cosmetology instructor. Mr. Pang and the witness both addressed the Board.

File Number 2013-001614, Eric Pang

Upon a motion by Mr. Minor and seconded by Ms. Dorey, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Eric Pang's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01615, Derek K. Thompson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Derek K. Thompson appeared at the meeting in person and addressed the Board.

File Number 2013-01615, Derek K. Thompson

Upon a motion by Mr. Anders and seconded by Mr. Chapman, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Derek K. Thompson's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms.

Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01692, Justin K. Roos**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Justin K. Roos appeared at the meeting in person and addressed the Board.

File Number 2013-01692, Justin K. Roos

Upon a motion by Mr. Chapman and seconded by Ms. Quinn, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Justin K. Roos' application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01822, Christina N. Davis**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Christina N. Davis did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01822, Christina N. Davis

Upon a motion by Mr. Anders and seconded by Mr. Minor, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Christina N. Davis' application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01823, Cam Nguyen Thuy Dao**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Cam Nguyen Thuy Dao did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01823, Cam Nguyen Thuy Dao

Upon a motion by Mr. Chapman and seconded by Ms. Crawford, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Cam Nguyen Thuy Dao's application.

The members voting 'yes' was Ms. Crawford. The members voting 'no' were Mr. Anders, Mr. Chapman, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. The motion failed.

Upon a motion by Mr. Chapman and seconded by Mr. Anders, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference and approve Cam Nguyen Thuy Dao's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. The member voting 'no' was Ms. Crawford. The motion passed by a majority.

In the matter of **File Number 2013-01950, Darnell Wallace**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Darnell Wallace did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01950, Darnell Wallace

Upon a motion by Mr. Minor and seconded by Mr. Anders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Darnell Wallace's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-01952, Rebecca Lythgoe**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Rebecca Lythgoe appeared at the meeting in person and addressed the Board.

File Number 2013-01952, Rebecca Lythgoe

Upon a motion by Mr. Chapman and seconded by Mr. Minor, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Rebecca Lythgoe's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-02068, Panha Nith**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference.

File Number 2013-02068, Panha Nith

Panha Nith appeared at the meeting in person and addressed the Board.

Upon a motion by Ms. Crawford and seconded by Ms. Dorey, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Panha Nith's application.

The members voting 'yes' were Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, and Ms. Quinn. The members voting 'no' were Mr. Anders, Mr. Minor, and Ms. Tsamouras. The motion passed by a majority.

In the matter of **File Number 2013-02069, Chera L. Turner**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Chera L. Turner appeared at the meeting in person and addressed the Board.

File Number 2013-02069, Chera L. Turner

Upon a motion by Mr. Chapman and seconded by Ms. Quinn, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Chera L. Turner's application for reinstatement.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-02070, Cecilia Marie Patterson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Cecilia Marie Patterson did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-02070, Cecilia Marie Patterson

Upon a motion by Mr. Anders and seconded by Ms. Crawford, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Cecilia Marie Patterson's application subject to the following conditions:

1. Ms. Patterson must continue to register as a sex offender for as long as required by law; and
2. Ms. Patterson must notify the Board in writing and within 30 days of any new felony or conviction(s); and
3. Any and all other terms the Board deems appropriate.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms.

Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-02071, Jason Tyrone Carter**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Jason Tyrone Carter appeared at the meeting in person and addressed the Board.

File Number 2013-02071, Jason Tyrone Carter

Upon a motion by Mr. Anders and seconded by Ms. Dorey, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Jason Tyrone Carter's application.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Old Business

Mr. Courtney reported on the status of the pending Regulatory Review (NOIRA). At the time of this meeting, the NOIRA is currently in the Office of Budget and Planning. The NOIRA will next be reviewed by the Secretary of Commerce and Trade, before moving to the Governor's office for final review. Following the Governor's approval, the NOIRA will be published in the Virginia Register of Regulations, at which time a 30 day public comment period will commence.

Regulatory Review

New Business

Mr. Melis provided the Board with a history of online instruction in Board licensed schools, beginning with the Board's vote on 6/9/2003 to accept online training for the theory portion of an approved program. The exact number of schools offering online instruction for the theory portion of programs is unknown.

Non-Traditional Classroom Instruction

After discussion and a review of 'best practice' and overall 'general standards' in non-traditional classroom instruction, the Board reached a consensus that schools may offer, at the Board's discretion, non-traditional or 'online' instruction provided that the school has demonstrated, in a manner and format prescribed and acceptable to the Board, that:

- Only the 'general' or 'intro' portions of the curriculum which are common across all professions regulated by the Board may be offered online. All other theory instruction must be obtained in a

traditional brick and mortar classroom setting.

- The school provides sufficient information to show it utilizes technologies and practices that are effective in verifying the identity of distance-learning students who participate in class or coursework (such as a secure login and pass code) while protecting student privacy.
- The curriculum package submitted for Board approval is equal in content and thoroughness to that required of a traditional classroom program.
- There is a measure of competency of the information the student is taught online completed in a traditional brick and mortar classroom.

A Non-Traditional Classroom Instruction guidance document will be drafted and presented to the Board at its next regularly scheduled meeting.

Mr. Harrell initiated a discussion of health education for tattooers and body piercers, and the need for ensuring that health education providers that are accepted by the Board meet the appropriate standards for such education.

**Acceptable Health
Education Providers**

After discussion the Board reached a consensus that only Health Education providers in conformance with and authorized to teach the standards and methods of the American Safety & Health Institute (ASHI), the American Red Cross, the American Heart Association, or other equivalent programs approved by the Board. A guidance document will be drafted and presented to the Board at its next regularly scheduled meeting.

Mr. Melis asked for the Board's guidance regarding the definition of "substantially equivalent" training as mentioned in 18 VAC 41-20-30, 18 VAC 41-40-30, 18 VAC 41-50-30, 18 VAC 41-60-30, and 18 VAC 41-70-30. License by endorsement.

**Substantially
Equivalent Training
for License by
Endorsement**

After discussion, and upon a motion by Mr. Anders that was seconded by Ms. Crawford, the Board voted to adopt the following policy:

When staff are assessing license by endorsement applicants for the referenced professions, in order to qualify as having substantially equivalent training, an applicant must have completed both a training program and a written and practical examination that is substantially

equivalent to the respective applicable regulations. Pertaining specifically to the training, in order to be eligible, the applicant must have at least 80% of the hours Virginia requires and provide documentation of six months of full time work experience in the preceding three years in the respective field.

The members voting 'yes' were Mr. Anders, Mr. Chapman, Ms. Crawford, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Staff will implement the Board's definition of substantially equivalent training in the processing of endorsement applications immediately.

Mr. Melis reported on his attendance at the National Interstate Council of State Boards of Cosmetology (NIC) All Regions Meeting in Charlotte, NC from 4/18 through 4/23/2013.

Report on NIC Conference

Mr. Melis reported on U.S. Dept. of Education regulations set to go into effect July 1, 2013 which require that schools, including schools licensed by the Board, which wish to participate in Title IV Federal Student Aid programs, must comply with. The two main points schools must ensure they are in compliance with are: 1) they are authorized by the Commonwealth to offer post-secondary education, and 2) their students have access to a formal complaint process managed by the state.

Certification of Post-Secondary Educational Programs

Mr. Melis further reported that DPOR cannot authorize a school as 'post-secondary,' only the State Council of Higher Education for Virginia (SCHEV) has the statutory authority to do so. In consultation with SCHEV it was determined that although schools licensed by the Board to teach the Board's programs are exempt from the requirement for SCHEV licensure, schools may obtain SCHEV certification which may assist the school in meeting federal mandate.

There being no other business to be brought before the Board, Mr. Minor adjourned the meeting at 12:43 P.M.

Adjourn

Daniella Tsamouras, Chair

Gordon N. Dixon, Secretary