

BOARD FOR BARBERS & COSMETOLOGY

DRAFT MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, February 11, 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.
Norma J. Dorey
Gail L. Mayhue
Jonathan W. Minor
Marie F. Quinn
Virginia Lee Sanders
Daniella Tsamouras

The following board members were not present:

Stacey A. Crawford
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
Cathy Clark, Administrative Assistant
Candace Howard, Legal Analyst

There was no representative from the Office of the Attorney General present for the meeting.

Mr. Minor, Chair, determined a quorum was present and called the **Call To Order** meeting to order at 9:06 A.M.

The Board took the agenda under consideration.

Approval of Agenda

Upon a motion by Ms. Sanders and seconded by Ms. Quinn, the Board voted to adopt the amended agenda.

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

Mr. Minor asked if there was any public comment.

Public Comment

Ms. Nahid Ghassemi, owner of AVI Career Training, Inc., addressed the Board on the subject of combining the basic esthetician and master esthetician programs into a single 1200 hour program as it will better enable students to obtain federal financial aid. The Board took Ms. Ghassemi's remarks under advisement.

Ms. Laura Todd, of LAT, Inc., dba/Institute of Advanced Medical Esthetics, addressed the Board on language in the Regulations related to the transfer of student hours to other schools, by transcript or by a report of hours and performances. The Board took Ms. Todd's remarks under advisement.

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

November 5, 2012, Board for Barbers & Cosmetology Board Meeting,
November 6, 2012, Informal Fact-Finding Conference,
November 8, 2012, Informal Fact-Finding Conference,
November 29, 2012, Informal Fact-Finding Conference,
December 4, 2012, Informal Fact-Finding Conference,
December 6, 2012, Informal Fact-Finding Conference,
December 11, 2012, Informal Fact-Finding Conference,
December 17, 2012, Informal Fact-Finding Conference,
December 19, 2012 (Brigil), Informal Fact-Finding Conference,
December 19, 2012 (Clay), Informal Fact-Finding Conference
January 7, 2013, Informal Fact-Finding Conference

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

**Approval of
Minutes for
November 5, 2012
Board Meeting,
November 6, 2012
IFF, November 8,
2012 IFF, November
29, 2012 IFF,
December 4, 2012
IFF, December 6,
2012 IFF, December
11, 2012 IFF,
December 17, 2012
IFF, December 19,
2012 IFF, December
19, 2012 IFF, and
January 7, 2013 IFF**

Cases

Ms. Mayhue recused herself from the meeting.

**Ms. Mayhue
Recused**

In the matter of **File Number 2012-02304, Patrice E. Summers**, the Board reviewed the record which consisted of the Consent Order. Patrice E. Summers did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2012-
02304, Summers,
Patrice E.**

By signing this Consent Order, Patrice E. Summers 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.1	\$ 0.00

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

Upon a motion by Ms. Sanders and seconded by Ms. Tsamouras, the Board voted to accept the Consent Order.

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

In the matter of **File Number 2012-02432, A Step Ahead Academy & Salon**, the Board reviewed the record which consisted of the Consent Order. A Step Ahead Academy & Salon did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-02432, A Step Ahead Academy & Salon

By signing this Consent Order, A Step Ahead Academy & Salon 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.B.1	\$ 750.00
Count 2:	18 VAC 41-20-240	\$2500.00

	SUB-TOTAL (MONETARY PENALTIES)	\$3250.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$3400.00

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

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

Ms. Mayhue returned to the meeting.

Mr. Chapman recused himself from the meeting.

Mr. Chapman recused

In the matter of **File Number 2012-03183, SBC Braiding & Natural Haircare Academy**, the Board reviewed the record which consisted of the Consent Order. SBC Braiding & Natural Haircare Academy did not appear at the meeting in person, by counsel, or by any other qualified

File Number 2012-03183, SBC Braiding & Natural Haircare Academy

representative.

By signing this Consent Order, SBC Braiding & Natural Haircare Academy 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.4	\$750.00

	SUB-TOTAL (MONETARY PENALTIES)	\$750.00
	BOARD COSTS	\$150.00
	TOTAL	\$900.00

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

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

Mr. Chapman returned to the meeting.

In the matter of **File Number 2012-03242, Le Luu, t/a Fashion Nail**, the Board reviewed the record which consisted of the Consent Order. Le Luu did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-03242, Le Luu, t/a Fashion Nail

By signing this Consent Order, Le Luu, t/a Fashion Nail 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 41-20-260.A	\$150.00
Count 2:	18 VAC 41-20-270.E.4	\$ 50.00
Count 3:	18 VAC 41-20-270.J	\$ 50.00

	SUB-TOTAL (MONETARY PENALTIES)	\$250.00
	BOARD COSTS	\$150.00
	TOTAL	\$400.00

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

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

In the matter of **File Number 2013-00293, Frederick D. Allen, Sr.**, the

File Number 2013-

Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Frederick D. Allen, Sr. did not appear at the meeting in person, by counsel, or by any other qualified representative.

**00293, Allen,
Frederick D., Sr.**

Upon a motion by Mr. Anders and seconded by Ms. Tsamouras, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Frederick D. Allen, Sr.'s application.

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

In the matter of **File Number 2013-00526, Jodi A. Burrell**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Jodi A. Burrell did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2013-
00526, Burrell, Jodi
A.**

Ms. Howard noted a correction to the IFF Referral Memo, page 2: The conviction on 4/20/2012, "Possession of marijuana, 1st offense" should be disregarded, as it was not a conviction.

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 Jodi A. Burrell's application, subject to the following conditions:

1. That Ms. Burrell continues to abide by all terms of her probation. This includes Ms. Burrell obtaining a report from her probation officer that advises of her status as a probationer and submitting it to the Board on a quarterly basis for one year, by the 30th of the month, beginning June 30, 2013, and each September, December, and March thereafter, or until she is successfully discharged from probation, whichever occurs first; and
2. That Ms. Burrell refrain from engaging in any additional criminal activity, and that she notifies the Board, in writing and within 30 days of conviction, of any felony or misdemeanor conviction; and
3. Any other terms the Board deems appropriate.

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

There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2013-00527, Roxanne A. Gabel**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Roxanne A. Gabel appeared at the meeting in person and addressed the Board.

File Number 2013-00527, Gabel, Roxanne A.

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

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

In the matter of **File Number 2013-00528, Craig L. Toney**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Craig L. Toney did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00528, Toney, Craig L.

Upon a motion by Mr. Anders and seconded by Ms. Tsamouras, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Craig L. Toney's application.

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

In the matter of **File Number 2013-00529, Tamekah Pullen**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Tamekah Pullen did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00529, Pullen, Tamekah

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 Tamekah Pullen's application.

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

In the matter of **File Number 2013-01308, Christopher L. Williams**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Christopher L. Williams did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01308, Williams, Christopher L.

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 Christopher L. Williams' application.

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

In the matter of **File Number 2013-00535, Janell F. Swauger**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Janell F. Swauger did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00535, Swauger, Janell F.

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

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

In the matter of **File Number 2013-00536, Mark A. Robinson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mark A. Robinson appeared at the meeting in person and addressed the Board.

File Number 2013-00536, Robinson, Mark A.

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

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

In the matter of **File Number 2013-00773, Shirley A. Cooper**, the Board reviewed the record which consisted of the application file,

File Number 2013-00773, Cooper,

transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Shirley A. Cooper appeared at the meeting in person and addressed the Board.

Shirley A.

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 Shirley A. Cooper's application.

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

In the matter of **File Number 2013-00774, Nam Hee Han**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Nam Hee Han did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00774, Han, Nam Hee

Ms. Howard noted a correction to the Transcript of the IFF: Page 1 heading should be "Board for Barbers and Cosmetology" not "Board for Contractors."

Upon a motion by Mr. Anders and seconded by Ms. Tsamouras, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Nam Hee Han's application.

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

In the matter of **File Number 2013-00775, David W. Hastings**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. David W. Hastings appeared at the meeting in person and addressed the Board.

File Number 2013-00775, Hastings, David W.

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 David W. Hastings' application, subject to the following conditions:

1. That Mr. Hastings continues to abide by all terms and conditions of his probation until he is successfully discharged from

probation, if applicable; and

2. That Mr. Hastings refrain from engaging in any additional criminal activity, and that he notifies the Board, in writing and within 30 days of conviction, of any felony or misdemeanor conviction; and
3. Any other terms the Board deems appropriate.

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

In the matter of **File Number 2013-00776, Delores S. Campbell**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Delores S. Campbell appeared at the meeting in person and addressed the Board.

File Number 2013-00776, Campbell, Delores S.

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

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

In the matter of **File Number 2013-00777, Rose Colleen Smith**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Rose Colleen Smith did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00777, Smith, Rose Colleen

Ms. Howard noted corrections to the Summary of the IFF: On Page 1, paragraph 2, the date of the IFF should be January 7, 2013; and on page 2 of the IFF Referral Memo, the Revocation of suspended sentence and probation should be disregarded, as it is not a new conviction.

Upon a motion by Ms. Sanders and seconded by Ms. Quinn, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Rose Colleen Smith's application

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

Upon a motion by Ms. Tsamouras and seconded by Ms. Mayhue, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference and approve Rose Colleen Smith's application, subject to the following conditions:

1. That Ms. Smith's cosmetology license will be placed on probation by the Board for a period of two years from the date of issue, during which time Ms. Smith will refrain from engaging in any additional criminal activity, and that she will notify the Board, in writing and within 30 days of conviction, of any felony or misdemeanor conviction; and
2. Any other terms the Board deems appropriate.

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

In the matter of **File Number 2013-00778, Ulesia Y. Arrington**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Debra Fortune, Cosmetology Instructor at the Fluvanna Correctional Center for Women, appeared at the meeting in person and addressed the Board on behalf of Ms. Arrington.

File Number 2013-00778, Arrington, Ulesia Y.

Upon a motion by Mr. Anders and seconded by Ms. Sanders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ulesia Y. Arrington's application.

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

In the matter of **File Number 2013-00827, Sterling K. Olsson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Sterling K. Olsson did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00827, Olsson, Sterling K.

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 Sterling K. Olsson's application.

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

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

In the matter of **File Number 2013-00828, Heather Kate Marshburn**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Heather Kate Marshburn appeared at the meeting in person and addressed the Board.

File Number 2013-00828, Marshburn, Heather Kate

Upon a motion by Ms. Tsamouras and seconded by Mr. Chapman, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Heather Kate Marshburn's application.

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

In the matter of **File Number 2013-01112, Torri P. McIntyre**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Torri P. McIntyre did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01112, McIntyre, Torri P.

Upon a motion by Ms. Sanders and seconded by Mr. Chapman, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Torri P. McIntyre's application.

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

In the matter of **File Number 2013-01113**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. James W. Henderson did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01113, Henderson, James W.

Upon a motion by Ms. Sanders and seconded by Mr. Anders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve James W. Henderson's application.

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

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

In the matter of **File Number 2013-01179, Terrence D. Spellman**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Franklin Harvey, Barber Instructor at Blandford High School, and Ms. Carolyn Ross, representing the Virginia Department of Juvenile Justice, appeared at the meeting in person and addressed the Board on behalf of Mr. Spellman.

File Number 2013-01179, Spellman, Terrence D.

Upon a motion by Mr. Anders and seconded by Ms. Tsamouras, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Terrence D. Spellman's application.

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

In the matter of **File Number 2013-01180, Dennis D. Walker**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Franklin Harvey, Barber Instructor at Blandford High School, and Ms. Carolyn Ross, representing the Virginia Department of Juvenile Justice, appeared at the meeting in person and addressed the Board on behalf of Mr. Walker.

File Number 2013-01180, Walker, Dennis D.

Upon a motion by Mr. Anders and seconded by Ms. Sanders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Dennis D. Walker's application.

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

In the matter of **File Number 2013-01181, Randy Taylor**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Franklin Harvey, Barber Instructor at Blandford High School, and Ms. Carolyn Ross, representing the Virginia Department of Juvenile Justice, appeared at the meeting in person and addressed the Board on behalf of Mr. Taylor.

File Number 2013-01181, Taylor, Randy

Ms. Howard noted a correction to the Summary of the IFF, Page 2,

paragraph 1: The date of the two assault and battery convictions should be April 16, 2010.

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

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

In the matter of **File Number 2013-01309, Eric L. Hinton**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Eric L. Hinton appeared at the meeting in person and addressed the Board.

File Number 2013-01309, Hinton, Eric L.

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

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

In the matter of **File Number 2013-01310, Regan Marie Keefer**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Regan Marie Keefer did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-01310, Keefer, Regan Marie

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 Regan Marie Keefer's application, subject to the following conditions:

1. That Ms. Keefer continues to comply with and abide by all terms of probation and that Keefer obtains a report from her probation officer that advises of her status as a probationer, and submits it to the Board on a quarterly basis for a period of one year, by the 30th of the month, beginning June 30, 2013, and each September, December, and March thereafter, or until she is successfully discharged from probation, whichever first occurs; and
2. That Ms. Keefer refrains from engaging in any further criminal

activity and that she notifies the Board in writing, and within 30 days, of any new felony or misdemeanor conviction; and

3. Any and all other terms the Board deems appropriate.

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

In the matter of **File Number 2013-01112, Torri P. McIntyre**, Mr. McIntyre addressed the Board to request that it reconsider his case after he arrived late to the meeting. (See page 11 of these minutes.)

File Number 2013-01112, McIntyre, Torri P.

Upon a motion by Ms. Tsamouras and seconded by Ms. Sanders, the Board voted to reconsider Mr. McIntyre's case.

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

The Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference.

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

1. That Mr. McIntyre's Barber license will be placed on probation by the Board for a period of two years from the date of issue, during which time Mr. McIntyre will refrain from engaging in any additional criminal activity, and that he will notify the Board, in writing and within 30 days of conviction, of any felony or misdemeanor conviction; and
2. Any other terms the Board deems appropriate.

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

Old Business

The Board previously asked staff to research options for accommodating candidates of varying languages. Mr. Melis reported the following information to the Board:

**Administering
exams in other
languages**

The Board utilizes the National-Interstate Council of State Boards of Cosmetology (NIC) exam. The use of the NIC exam is primarily for ease of reciprocity as the majority of states use the NIC exam.

The Board previously moved to allow the exam to be taken in any language in which NIC offers it. NIC offers some exams in languages other than English, those are Spanish, Vietnamese, and Korean.

NIC does not allow translators and/or foreign language dictionaries due to the potential for a breach of security. Based on statistical information collected by NIC, candidates taking the exam in another language, typically their native language, do not have higher pass rates than when taken in English.

The Board does not have to use the NIC exam; however, should the Board not use the NIC exam, it would have to create an exam which may be costly and labor intensive. Additionally, that could impact the ability of licensees to obtain reciprocity in other states.

Mr. Melis outlined the Governor's regulatory reform initiative and informed the Board of the Notice of Public Comment Period that ran from November 5 – December 5, 2012. Mr. Melis further advised the Board that the initiative took precedence over all other regulatory packages underway.

**Governor's
Regulatory Reform
Initiative**

The Board reviewed public comments from the Governor's Regulatory Reform Initiative's public comment period. Staff did not have any recommendations for repealing or reducing current regulations.

Upon a motion by Ms. Mayhue and seconded by Ms. Quinn, the Board voted to retain all sets of regulations in their current format.

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

Upon a motion by Ms. Dorey and seconded by Ms. Quinn, the Board moved to authorize Board staff to initiate a regulatory review of the Barbers and Cosmetology Regulations.

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

New Business

Mr. Minor read into the minutes a Resolution to William H. Ferguson, II, former Executive Director of the Board for Barbers and Cosmetology. Mr. Ferguson was present to accept the Resolution.

Resolution

RESOLUTION TO

WILLIAM H. FERGUSON, II

WHEREAS, William H. Ferguson, II has faithfully and diligently served as the Executive Director of the Board for Barbers and Cosmetology from 2001 to 2012;

WHEREAS, William H. Ferguson, II has devoted generously of his time, talent and leadership to the Board in all aspects with notable recognition for administering the inception of five regulatory programs;

WHEREAS, William H. Ferguson, II has endeavored at all times to render assistance and advice to the Board with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude for devoted service of a person who is held in the highest esteem by the members of the Board and the citizens of the Commonwealth; and

NOW THEREFORE BE IT RESOLVED, by the Board for Barbers and Cosmetology this eleventh day of February 2013, that William H. Ferguson, II be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

The Board discussed the assessment of student's competence in Esthetics in consideration of Mr. Laura Todd's remarks during

**Esthetics –
Assessment of a**

the public comment portion of the meeting. Upon a motion by Ms. Dorie and seconded by Ms. Sanders, the Board moved to provide the following guidance: A licensed esthetics school with an approved esthetics program conducting an assessment of a student's competence in esthetics, may utilize documentation of hours and performances provided to the student by a school, as provided for in Section 18 VAC 41-70-230, in addition to the successful completion of a board-approved competency examination administered by the school when giving credit towards the requirements specified in subsections B & C of Section 18 VAC 41-70-190, and subsections A & B of Section 18 VAC 41-70-200.

**Student's
Competence in
Esthetics**

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

The Board discussed the feasibility of a combined 1200 esthetics program that includes 600 hours of basic esthetics instruction and 600 hours of master esthetician instruction, in consideration of Ms. Nahim Ghassemi's remarks during the public comment portion of the meeting. The Board referred the matter to staff to clarify the Regulations with the licensee/school owner.

**Esthetics –
combined program**

The Board discussed the necessity of maintaining a theory classroom in a licensed school if all theory instruction is provided online and off-site. The Board deferred the matter to staff to evaluate and report back to the Board at a later meeting.

**Theory classroom
for online
instruction**

The Board discussed the matter of cosmetologists performing face shaving. The Board consensus was to research and revisit the feasibility of combining the cosmetologist and barber licenses.

**Face shaving by
cosmetologists**

Mr. Melis made a staff recommendation that, with the exception of the elections held at this meeting, going forward the Board shall establish a policy requiring the election of Chair and Vice Chair to occur at the first Board meeting after July or at the first meeting after the Governor makes appointments. Newly elected officers will assume their positions at the next Board meeting after elections are held.

Election Policy

Upon a motion by Ms. Sanders and seconded by Ms. Quinn, the Board voted to accept the recommended Election Policy.

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

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

Mr. Courtney, Senior Director/Regulatory and Public Affairs, called for nominations for Chair. Mr. Minor moved to nominate Ms. Tsamouras for Chair, and Mr. Anders seconded the motion. Ms. Quinn moved to close the nominations, and Mr. Anders seconded the motion.

Election of Officers

The members voting 'yes' to elect Ms. Tsamouras as Chair were Mr. Anders, Mr. Chapman, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, Ms. Sanders, and Ms. Tsamouras. There were no negative votes. Ms. Tsamouras was elected Chair unanimously.

Ms. Sanders moved to nominate Mr. Minor as Vice-Chair, and Mr. Anders seconded the motion.

Mr. Minor moved to nominate Mr. Chapman for Vice-Chair, and Ms. Tsamouras seconded the motion.

Mr. Chapman moved to nominate Ms. Mayhue for Vice-Chair, and Ms. Sanders seconded the motion.

Ms. Sanders moved to close the nominations, and Mr. Anders seconded the motion.

Mr. Courtney instructed the Board that each member would be allowed one vote for Vice-Chair.

The members voting 'yes' to elect Mr. Minor Vice-Chair were Mr. Anders, Ms. Sanders, and Ms. Dorey.

The member voting 'yes' to elect Mr. Chapman Vice-Chair was Mr. Minor.

The members voting 'yes' to elect Ms. Mayhue Vice-Chair were Mr. Chapman, Ms. Mayhue, Ms. Quinn, and Ms. Tsamouras.

Ms. Mayhue was elected Vice-Chair by a majority.

There being no other business to be brought before the Board, Mr. Minor adjourned the meeting at 11:41 A.M.

Adjourn

Jonathan W. Minor, Chair

Gordon N. Dixon, Secretary