

BOARD FOR BARBERS AND COSMETOLOGY

DRAFT MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, August 29, 2016, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia. The following board members were present:

Norma J. Dorey
Robert D. Jones II
Margaret B. LaPierre
Jonathan Wayne Minor
Lonnie Quesenberry
Marie F. Quinn
Daniella Tsamouras
Tony Miles Williams

The following board members were not present:

T. Daniel Jones
Anne R. McCaffrey

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

Jay W. DeBoer, Director
Demetrios J. Melis, Executive Director
Stephen Kirschner, Regulatory Operations Administrator
Cathy Clark, Administrative Assistant

Representative from the Office of the Attorney General was present for all or part of the meeting:

Joshua Laws, Assistant Attorney General

Mr. Quesenberry, Chair, called the meeting to order at 9:05 a.m.

Call to Order

The Board took the agenda under consideration.

**Approval of
Agenda**

Mr. Melis identified for the Board an amendment to the Agenda: Prima Facie Case 2015-01181, John D. Fauls, Jr., was removed from the agenda, as the respondent has requested an Informal Fact Finding Conference.

Upon a motion by Mr. R. Jones and seconded by Ms. Tsamouras, the Board voted to adopt the amended Agenda.

The members voting 'yes' were Mr. R. Jones, Ms. LaPierre, Mr. Minor, Mr.

Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

Due to late arrival, Ms. Dorey was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Quesenberry asked if there was any public comment. There was none.

Public Comment

Cases

Ms. LaPierre recused herself from the meeting.

**Ms. LaPierre
Recused**

In the matter of **File Number 2013-03267, Kim Oanh Thi Pham**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Kim Oanh Thi Pham did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number
2013-03267, Kim
Oanh Thi Pham**

Concerning Count 1, upon a motion by Mr. Minor and seconded by Mr. R. Jones, 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 Kim Oanh Thi Pham violated the following sections of its Regulations:

Count 1: (Effective July 1, 2003)
 18 VAC 41-20-280.A.3
 (Two violations)

The members voting 'yes' were Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

Ms. Dorey was not present, did not participate in the discussion, and did not vote on this matter.

Concerning Count 1, upon a motion by Mr. R. Jones 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 sanction(s):

Count 1:	18 VAC 41-20-280.A.3 (\$1,000 for first violation; \$1,500 for second violation)	\$ 2,500.00
TOTAL (MONETARY PENALTIES)		----- \$ 2,500.00

The Board also imposes the following sanction:

Revocation of Kim Oanh Thi Pham's license, Number 1201-119412, for violation of Count 1.

The members voting 'yes' were Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

Due to late arrival, Ms. Dorey was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2014-00077, Huong Thi My Ho**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Hong Thi My Ho did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number
2014-00077,
Huong Thi My
Ho

Concerning Count 1, upon a motion by Mr. R. Jones and seconded by Ms. Quinn, 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 closed the file with a finding of no violation of 18 VAC 41-20-280.A.3.

The members voting 'yes' were Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

Due to late arrival, Ms. Dorey was not present, did not participate in the

discussion, and did not vote on this matter.

Ms. Dorey arrived late to the meeting.

In the matter of **File Number 2014-02755, Le Thuy Nguyen**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Le Thuy Nguyen did not appear at the meeting in person, but was represented by counsel, M. Christian Orndorff, Esquire, who addressed the Board on Ms. Nguyen's behalf.

File Number
2014-02755, Le
Thuy Nguyen

Concerning Counts 1 and 2, upon a motion by Ms. Tsamouras and seconded by Mr. Minor, 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 Le Thuy Nguyen violated the following sections of its Regulations:

(Effective July 1, 2003)

Count 1: 18 VAC 41-20-280.A.3
Count 2: 18 VAC 41-20-280.A.5

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

Concerning Counts 1 and 2, upon a motion by Mr. R. Jones 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 sanction(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 2,500.00
Count 2:	18 VAC 41-20-280.A.5	\$ 500.00

TOTAL (MONETARY PENALTIES)		\$ 3,000.00

The Board also imposes the following sanction:

Revocation of Le Thuy Nguyen's license, Number 1201-113668, for violation of

Count 1.

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

In the matter of **File Number 2015-01587, Thy-Phuong Nguyen Tran**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Thy-Phuong Nguyen Tran did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number
2015-01587, Thy-
Phuong Nguyen
Tran

Concerning Count 1, upon a motion by Mr. Minor and seconded by Mr. Williams, 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 Thy-Phuong Nguyen Tran violated the following sections of its Regulations:

Count 1: (Effective July 1, 2003)
18 VAC 41-20-280.A.3
(Two violations)

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

Concerning Count 1, upon a motion by Mr. Williams 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 sanction(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 5,000.00
	(\$2,500.00 per violation)	

TOTAL (MONETARY PENALTIES)		\$ 5,000.00

The Board also imposes the following sanction:

Revocation of Thy-Phuong Nguyen Tran's license, Number 1204-019298, for violations of Count 1.

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

In the matter of **File Number 2015-02831, Suyapa Antonia Cardenas Villatoro**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Suyapa Antonia Cardenas Villatoro did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number
2015-02831,
Suyapa Antonia
Cardenas
Villatoro

Concerning Count 1, upon a motion by Mr. R. Jones and seconded by Mr. Minor, 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 Suyapa Antonia Cardenas Villatoro violated the following sections of its Regulations:

(Effective July 1, 2003)
Count 1: 18 VAC 41-20-280.A.3

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

Concerning Count 1, upon a motion by Mr. Williams 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 sanction(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 500.00

TOTAL (MONETARY PENALTIES)		\$ 500.00

The Board also imposes the following sanction:

Revocation of Suyapa Antonia Cardenas Villatoro's license, Number 1201-109938, for violation of Count 1.

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

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

Ms. Tsamouras recused herself from the meeting.

**Ms. Tsamouras
Recused**

In the matter of **File Number 2015-02148, Potomac Nail Spa Corporation**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Mr. Tuan Le, owner, appeared at the meeting in person, but did not address the Board.

**File Number
2015-02148,
Potomac Nail
Spa Corporation
(Esthetics Spa)**

Concerning Counts 1 and 2, upon a motion by Mr. Williams 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 Potomac Nail Spa Corporation violated the following sections of its Regulations:

(Effective September 20, 2007)

Count 1: 18 VAC 41-70-280.C.2
Count 2: 18 VAC 41-70-270.F.4

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, and Mr. Williams. There were no negative votes. The motion passed unanimously.

As Board representatives in this case, Ms. LaPierre and Ms. Tsamouras were not present, did not participate in the discussion, and did not vote on this matter.

Concerning Counts 1 and 2, upon a motion by Mr. R. Jones 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 sanction(s):

Count 1:	18 VAC 41-70-280.C.2	\$ 250.00
Count 2:	18 VAC 41-70-270.F.4	\$ 250.00

TOTAL (MONETARY PENALTIES)		\$ 500.00

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, and Mr. Williams. There were no negative votes. The motion passed unanimously.

As Board representatives in this case, Ms. LaPierre and Ms. Tsamouras were not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2016-01668, Potomac Nail Spa Corporation**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Mr. Tuan Le, owner, appeared at the meeting in person, but did not address the Board.

File Number
2016-01668,
Potomac Nail
Spa Corporation
(Cos Salon)

Concerning Counts 1 and 2, upon a motion by Mr. Williams 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 Potomac Nail Spa Corporation violated the following sections of its Regulations:

(Effective July 1, 2003)

Count 1:	18 VAC 41-20-280.C.2
Count 2:	18 VAC 41-20-270.G.5

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, and Mr. Williams. There were no negative votes. The motion passed unanimously.

As Board representatives in this case, Ms. LaPierre and Ms. Tsamouras were not present, did not participate in the discussion, and did not vote on this matter.

Concerning Counts 1 and 2, upon a motion by Mr. R. Jones 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 sanction(s):

Count 1:	18 VAC 41-20-280.C.2	\$ 250.00
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Count 2:	18 VAC 41-20-270.G.5	\$ 250.00

TOTAL (MONETARY PENALTIES)		\$ 500.00

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Mr. Minor, Mr. Quesenberry, Ms. Quinn, and Mr. Williams. There were no negative votes. The motion passed unanimously.

As Board representatives in this case, Ms. LaPierre and Ms. Tsamouras were not present, did not participate in the discussion, and did not vote on this matter.

Ms. LaPierre and Ms. Tsamouras returned to the meeting.

Upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board voted to accept the finding of violations and approve the sanctions of the four (4) Prima Facie cases as a block.

**Board Considers
and Approves
Prima Facie
Cases As Block**

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2014-00822, Hau Dai Vo**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Hau Dai Vo did not appear at the meeting in person, by counsel or by any other qualified representative.

**File Number
2014-00822, Hau
Dai Vo**

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Hau Dai Vo violated the following sections of its Regulations.

	(Effective July 1, 2003)
Count 1:	18 VAC 41-20-280.A.3
	(Three Violations)

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Ms. McCaffrey, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms.

LaPierre, the Board voted to accept the sanctions contained in the Recommendation and to impose the following monetary penalties:

Count 1:	18 VAC 41-20-280.A.3 ((\$2,500.00 per violation)	\$ 7,500.00
TOTAL (MONETARY PENALTIES)		----- \$ 7,500.00

The Board also imposes the following sanction:

Revocation of Hau Dai Vo's license, Number 1201-121659, for violations of Count 1.

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2014-03266, Tony Vu**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Tony Vu did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number
2014-03266,
Tony Vu

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Tony Vu violated the following sections of its Regulations.

(Effective July 1, 2003)
Count 1: 18 VAC 41-20-280.A.3
(Four Violations)

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Ms. McCaffrey, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board voted to accept the sanctions contained in the Recommendation and to impose the following monetary penalties:

Count 1:	18 VAC 41-20-280.A.3	\$10,000.00
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(((\$2,500.00 per violation))

TOTAL (MONETARY PENALTIES)	----- \$10,000.00
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The Board also imposes the following sanction:

Revocation of Tony Vu's license, Number 1201-119291, for violations of Count 1.

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2015-02780, Terrence Earl Osborne**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Terrence Earl Osborne did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number
2015-02780,
Terrence Earl
Osborne

Concerning Counts 1 and 2, upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Terrence Earl Osborne violated the following sections of its Regulations.

(Effective July 1, 2003)

Count 1: 18 VAC 41-20-280.A.9

The members voting 'yes' were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Ms. McCaffrey, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board voted to accept the sanctions contained in the Recommendation and to impose the following monetary penalties:

Count 1: 18 VAC 41-20-280.A.9	\$ 0.00
TOTAL (MONETARY PENALTIES)	----- \$ 0.00

The Board also imposes the following sanction:

Revocation of Terrence Earl Osborne’s license, Number 1301-011295, for violation of Count 1.

The members voting ‘yes’ were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2015-02905, Thuy T. Truong**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Thuy T. Truong did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number
2015-02905,
Thuy T. Truong

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Thuy T. Truong violated the following sections of its Regulations.

(Effective July 1, 2003)
Count 1: 18 VAC 41-20-280.A.3

The members voting ‘yes’ were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Ms. McCaffrey, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms Tsamouras, and Mr. Williams. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board voted to accept the sanctions contained in the Recommendation and to impose the following monetary penalties:

Count 1:	18 VAC 41-20-280.A.3	\$ 1,000.00

TOTAL (MONETARY PENALTIES)		\$ 1,000.00

The Board also imposes the following sanction:

Revocation of Thuy T. Truong’s license, Number 1201-113563, for violation of Count 1.

The members voting ‘yes’ were Ms. Dorey, Mr. R. Jones, Ms. LaPierre, Mr. Minor, Mr. Quesenberry, Ms. Quinn, Ms. Tsamouras, and Mr. Williams. There

were no negative votes. The motion passed unanimously.

There being no further business to be brought before the Board, Mr. Quesenberry adjourned the meeting at 9:38 A.M.

Adjourn

Lonnie Quesenberry, Board Chair

Jay W. DeBoer, Board Secretary