

BOARD FOR BARBERS & COSMETOLOGY

DRAFT MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, November 5, 2012, 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
Daniella Tsamouras

The following board members were not present:

Stacey A. Crawford
Virginia Lee Sanders
Sean T. Sweeney

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

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of LRD
Demetrios J. Melis, Executive Director
Cathy Clark, Administrative Assistant
Candace Howard, Legal Analyst
Kristin Clay, Legal Analyst

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

Elizabeth B. Peay, Assistant Attorney General

Mr. Minor, Chair, determined a quorum was present and called the **Call To Order** meeting to order at 9:03 A.M.

The Board took the agenda under consideration.

Approval of Agenda

Upon a motion by Mr. Anders and seconded by Ms. Mayhue, 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, and Ms. Tsamouras. There were

no negative votes. The motion passed unanimously.

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

Public Comment

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

Approval of Minutes for August 6, 2012 Board Meeting, July 26, 2012 IFF, August 7, 2012 IFF, August 9, 2012 IFF, August 17, 2012 IFF, August 23, 2012 IFF, September 10, 2012 IFF, September 11, 2012 IFF, September 20, 2012 IFF.

August 6, 2012, Board for Barbers & Cosmetology Board Meeting,
July 26, 2012, Informal Fact-Finding Conference,
August 7, 2012, Informal Fact-Finding Conference,
August 9, 2012, Informal Fact-Finding Conference,
August 17, 2012, Informal Fact-Finding Conference,
August 23, 2012, Informal Fact-Finding Conference,
September 10, 2012, Informal Fact-Finding Conference,
September 11, 2012, Informal Fact-Finding Conference,
September 20, 2012, Informal Fact-Finding Conference,

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. The motion passed unanimously.

Cases

Mr. Chapman recused himself from the meeting.

Mr. Chapman recused

In the matter of **File Number 2012-02691, Teresha Renee Gaither**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, Report of Findings, transcript and exhibits. Teresha Renee Gaither did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-02691, Gaither, Teresha Renee

Concerning Count 1, upon a motion by Mr. Anders and seconded by Ms. Tsamouras, 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 Teresha Renee Gaither violated the following section of its Regulations.

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

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

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

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. Mayhue, 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.	\$ 0.00

TOTAL (MONETARY PENALTIES)		\$ 0.00

In addition, for violation of Count 1, the Board imposed revocation of Teresha Renee Gaither's cosmetologist license 1201116009.

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

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

In the matter of **File Number 2013-00197, Teresha Renee Gaither**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, Report of Findings, transcript and exhibits. Teresha Renee Gaither did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00197, Gaither, Teresha Renee

Concerning Count 1, upon a motion by Ms. Mayhue and seconded by Ms. Tsamouras, 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 Teresha Renee Gaither violated the following section of its Regulations.

Count 1:	18 VAC 41-20-280.A.3.
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The members voting 'yes' were Mr. Anders, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

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

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

Ms. Tsamouras, 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.	\$ 0.00

TOTAL (MONETARY PENALTIES)		\$ 0.00

In addition, for violation of Count 1, the Board imposed revocation of Teresha Renee Gaither's cosmetology instructor license 1204019226.

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

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

Mr. Chapman returned to the meeting.

In the matter of **File Number 2012-03368, Jason Benjamin Davis**, the Board reviewed the record which consisted of the Consent Order. Jason Benjamin Davis did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-03368, Davis, Jason Benjamin

By signing this Consent Order, Jason Benjamin Davis 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 41-50-410.F	\$100.00

SUB-TOTAL (MONETARY PENALTIES)		\$100.00
BOARD COSTS		\$150.00
TOTAL		\$250.00

Upon a motion by Mr. Anders and seconded by Ms. Mayhue, 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, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2012-03739, Happy Nails**, the Board reviewed the record which consisted of the Consent Order. Happy Nails did not appear at the meeting in person, by counsel, or by any

File Number 2013-03739, Happy Nails

other qualified representative.

By signing this Consent Order, Happy Nails 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 41-20-270.B.5	\$ 50.00
Count 2:	18 VAC 41-20-270.F.2	\$ 50.00
Count 3:	18 VAC 41-20-270.J	\$ 50.00

SUB-TOTAL (MONETARY PENALTIES)		\$150.00
BOARD COSTS		\$150.00
TOTAL		\$300.00

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

In the matter of **File Number 2012-02786, Holly Michelle Landry**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Holly Michelle Landry did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-02786, Landry, Holly Michelle

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 Holly Michelle Landry's application.

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

Upon a motion by Ms. Mayhue, and seconded by Mr. Chapman, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference and deny Holly Michelle Landry's application based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B. After reviewing the facts, specifically the nature and seriousness of the crimes and the lack of evidence of Ms. Landry's rehabilitation or rehabilitative efforts since her incarceration, the Board felt they could not protect the health,

safety and welfare of the public.

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

In the matter of **File Number 2012-03211, Shawn Holmes**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Shawn Holmes did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-03211, Holmes, Shawn

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 Shawn Holmes’ application.

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

In the matter of **File Number 2012-03567, Victor A. Smith**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Victor A. Smith did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-03567, Smith, Victor 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 Victor A. Smith’s application.

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. The motion passed unanimously.

In the matter of **File Number 2012-03704, Nia U. Shelton**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Nia U. Shelton appeared at the meeting in person, but did not address the Board.

File Number 2012-03704, Shelton, Nia U.

Ms. Clay submitted a correction to the page 479, #7 of the Summary of the Informal Fact-Finding Conference. Three years and four months have elapsed since Ms. Shelton’s last involvement in a crime; not “two years and four months” as stated in the Summary.

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

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. The motion passed unanimously.

In the matter of **File Number 2012-03705**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Paula Dawn Driver appeared at the meeting in person, accompanied by witness, Tuesday Wolfrey, and both addressed the Board.

File Number 2012-03705, Driver, Paula Dawn

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 Paula Dawn Driver's application subject to the following conditions:

1. That Ms. Driver continues to timely register as a sex offender with the Virginia Department of State Police for as long as is required by law or as required by the Court; 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, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2012-03823, Darren Tracey Slade**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Darren Tracey Slade did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2012-03823, Slade, Darren Tracey

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 Darren Tracey Slade's application.

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. The motion passed unanimously.

In the matter of **File Number 2013-00064, Shantay Gunn**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Shantay Gunn did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2013-00064, Gunn, Shantay

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 Shantay Gunn's application.

The members voting 'yes' were Mr. Anders, Ms. Dorey, Mr. Minor, Ms. Quinn, 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 2013-00294, John Delaware Jefferson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. John Delaware Jefferson appeared at the meeting in person and addressed the Board.

File Number 2013-00294, Jefferson, John Delaware

Ms. Clay submitted a correction to the page 845 of the Summary of the Informal Fact-Finding Conference. Eighteen years have elapsed since Mr. Jefferson's last involvement in a crime; not "nearly 28 years" as stated in the Summary.

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 John Delaware Jefferson's application.

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. The motion passed unanimously.

Mr. Melis outlined the Governor's regulatory reform initiative and informed the Board of the Notice of Public Comment Period that will end on December 5, 2012. Mr. Melis further advised the Board that this initiative will take precedence over current regulatory packages underway. Upon completion of the Governor's regulatory reform initiative, the outstanding regulatory packages will be re-visited.

Regulations

Mr. Melis introduced new Board Member, Ms. Dorey to the Board.

Other Board Business

Mr. Anders reported on his attendance at the annual meeting of the National Association of Barber Boards of America, September 15 – 20,

2012 in Louisville, KY. Mr. Anders made mention of his desire for Virginia to be the first state to combine its cosmetology and barbering licenses.

The Board previously asked staff to explore the feasibility of creating an esthetics apprenticeship program. Mr. Melis reported that he initiated a meeting on September 24, 2012 between Board staff, Board member Tsamouras, and Department of Labor and Industry representatives to begin the process of developing an esthetics apprenticeship program. A second meeting was planned for October 29, 2012, but was canceled due to inclement weather.

The Board previously asked staff to research the practice of threading for the removal of facial hair. Mr. Melis reported that more research is needed to evaluate the practice of threading to determine how other states are currently addressing the practice, as well as to develop a legislative and/or regulatory plan of action should the Board wish to.

Mr. Dixon initiated a discussion about the languages in which the Board's examinations are offered. The examinations are currently offered in English, Spanish, Vietnamese, and Korean. Mr. Dixon asked the Board to consider whether offering the examinations in multiple languages would be of benefit to the Board's regulant population and Virginia's business climate. The Board asked staff to research options for accommodating candidates of varying languages.

Mr. Melis informed the Board of a new Licensing Operations Administrator staff position that is expected to be filled by the end of the year.

Mr. Melis noted that Board elections will be held at the February 2013 meeting, and that that he will make available to the Board the standardized policy for board elections. Mr. Melis asked that Board members wishing to nominate a candidate for the positions of chair or vice chair to contact him.

Mr. Courtney conducted the annual Board Member Roles and Responsibilities training. Board members present for the training were Mr. Anders, Mr. Chapman, Ms. Dorey, Ms. Mayhue, Mr. Minor, Ms. Quinn, and Ms. Tsamouras.

**Board Member Roles
and Responsibilities
Training**

There being no other business to be brought before the Board, the Chair adjourned the meeting at 11:50 A.M.

Adjourn

Jonathan W. Minor, Chair

Gordon N. Dixon, Secretary