

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met virtually via Google Meet on Monday, March 15, 2021 at 9:00 a.m. Some Board staff was present at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233. The following Board members were present for all or part of the meeting:

Gilda Acosta
Oanh Pham Kim Dang
Renee' H. Gilanshah
Bo Machayo
Lonnie Quesenberry
Matthew D. Roberts
Sandra G. Smith

The following board members were not present:

Margaret B. LaPierre
Darrin L. Hill
Alfred O. Mayes

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

Mary Broz-Vaughan, Agency Director
Stephen Kirschner, Executive Director
Joseph Crook, Regulatory Operations Administrator
Tamika Rodriguez, Licensing Operations Administrator
Cathy Clark, Administrative Assistant

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

Elizabeth Peay, Assistant Attorney General

Mr. Roberts, Vice Chair, determined a quorum was present and called the meeting to order at 9:05 a.m.

Call to Order

Mr. Kirschner advised that the Board the meeting was being held virtually in order to mitigate the spread of COVID-19, and that per statutory requirements for virtual meetings, the meeting would be recorded and posted to the DPOR website.

Announcements and COVID-19 Safety Procedures

Mr. Kirschner introduced Mr. Joseph Crook, who has joined DPOR as the Regulatory Operations Administrator for the Board for Barbers and Cosmetology and the Board for Hearing Aid Specialists and Opticians.

Introduction of New Staff

Because the meeting was held virtually, Mr. Kirschner took roll of Board members in attendance.

Roll Call

The Board took the Tentative Agenda under consideration. Mr. Roberts asked for any amendments. Ms. Clark indicated that one case was removed from the Tentative Agenda after it was distributed to the Board (Item VI.9, 2020-601538 Dung Thi An Cao). The removal of the Prima Facie case was requested by the Adjudication Section, as the respondent has requested an Informal Fact Finding Conference.

Approval of Agenda

Upon a motion by Mr. Quesenberry and seconded by Ms. Gilanshah, the Board voted to adopt the amended Agenda.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the January 11, 2021 Board Meeting under consideration. Mr. Roberts asked for any amendments. There were none.

Approval of Minutes for the November 9, 2020 Meeting of the Board for Barbers and Cosmetology

Upon a motion by Mr. Quesenberry and seconded by Ms. Gilanshah, the Board voted to approve the minutes.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

There were no written communications.

Communications

Mr. Roberts asked if there was public comment. There was none.

Public Comment Cases

In the matter of **File Number 2016-03064, Kim Nganmai Tran**, the Board reconsidered the case, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. The Board's decision to reconsider the case was prompted by the fact that Kim Nganmai Tran appeared at the January 11, 2021 meeting via Google Meet but was not provided an opportunity to address the Board due to an administrative oversight. Kim Nganmai Tran appeared at today's meeting via Google Meet and addressed the Board.

File Number 2016-03064, Kim Nganmai Tran

Upon a motion by Mr. Quesenberry and seconded by Ms. Gilanshah, the Board voted to reconsider Case 2016-03293.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Gilanshah and seconded by Ms. Smith, 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 Nganmai Tran violated the following section of its Regulations:

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

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Quesenberry and seconded by Ms. Acosta, 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	\$ 1,000.00

TOTAL (MONETARY PENALTIES)		\$ 1,000.00

In addition, the Board imposes revocation of Kim Nganmai Tran's cosmetologist license number 1201112732 for violation of Count 1.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Quesenberry, and Ms. Smith. The member voting 'no' was Mr. Machayo. The motion passed by a majority.

Mr. Roberts recused himself from the meeting. Mr. Quesenberry assumed the Chair.

Mr. Roberts
Recused

In the matter of **File Number 2016-03326, Hien Thi 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. Hien Thi Nguyen and witness Joy Reges, appeared at the meeting via Google Meet and addressed the Board.

File Number 2016-
03326, Hien Thi
Nguyen

Concerning Count 1, upon a motion by Ms. Gilanshah and seconded by Ms. Acosta, 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 Hien Thi Nguyen violated the following section of its Regulations:

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

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Gilanshah and seconded by Ms. Acosta, 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	\$ 1,000.00

TOTAL (MONETARY PENALTIES)		\$ 1,000.00

In addition, the Board imposes revocation of Hien Thi Nguyen's cosmetologist license number 1201114814 for violation of Counts 1.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

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

In the matter of **File Number 2016-03417, Sun Jo Sohn**, the Board reviewed the record, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Sun Jo Sohn and counsel Tae Song appeared at the meeting via Google Meet but did not address the Board.

File Number 2016-03417, Sun Jo Sohn

Concerning Counts 1 and 2, upon a motion by Ms. Acosta and seconded by Ms. Gilanshah, 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 Sun Jo Sohn violated the following sections of its Regulations:

Count 1: 18 VAC 41-20-280.A.3
(Three violations)
Count 2: 18 VAC 41-20-280.6

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, and Ms. Smith. There were no negative votes. The motion passed unanimously.

Concerning Counts 1 and 2, upon a motion by Ms. Gilanshah and seconded by Ms. Acosta, 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 violations at \$1,000 each 1 violation at \$2,000	\$ 4,000.00
Count 2:	18 VAC 41-20-280.6	\$ 1,000.00

TOTAL (MONETARY PENALTIES)		\$ 5,000.00

In addition, the Board imposes revocation of Sun Jo Sohn's cosmetologist license number 1201121372 for violations of Counts 1 and 2.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, and Ms. Smith. There were no negative votes. The motion passed unanimously.

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

Mr. Roberts returned to the meeting and resumed the Chair.

Upon a motion by Mr. Quesenberry and seconded by Ms. Gilanshah, the Board voted to consider and accept the four (3) Consent Order cases as a block.

**Board Considers
and Approves
Consent Order
Cases As A Block**

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03077 Ngo Dich Chau**, the Board reviewed the record, which consisted of the Consent Order. Ngo Dich Chau did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2016-
03077, Ngo Dich
Chau**

By signing the Consent Order, Ngo Dich Chau acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.3	\$ 2,250.00

SUB-TOTAL (MONETARY PENALTIES)		\$ 2,250.00
BOARD COSTS		\$ 150.00
TOTAL		\$ 2,400.00

In addition, for violation of Count 1, Ngo Dich Chau agrees to revocation of nail technician license, Number 1206018889.

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

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03379 Rose Kim Bui**, the Board reviewed the record, which consisted of the Consent Order. Rose Kim Bui did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2016-03379, Rose Kim Bui

By signing the Consent Order, Rose Kim Bui acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.3	\$ 2,250.00

SUB-TOTAL (MONETARY PENALTIES)		\$ 2,250.00
BOARD COSTS		\$ 150.00
TOTAL		\$ 2,400.00

In addition, for violation of Count 1, Rose Kim Bui agrees to revocation of cosmetologist license, Number 1201112035.

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

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2020-02126 Arzum Barber Shop LLC**, the Board reviewed the record, which consisted of the Consent Order. Arzum Barber Shop LLC did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2020-02126, Arzum Barber Shop LLC

By signing the Consent Order, Arzum Barber Shop LLC acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-270.D.1	\$ 100.00
Count 2:	18 VAC 41-20-280.4	\$ 1,400.00
SUB-TOTAL (MONETARY PENALTIES)		\$ 1,500.00
BOARD COSTS		\$ 150.00
TOTAL		\$ 1,650.00

In addition, the Board shall waive \$725 of the monetary penalty for Count 2 provided Arzu Cevheroglu obtains a license with the Commonwealth of Virginia Board for Barbers and Cosmetology within six (6) months of the effective date of this Order. If Arzum Barber Shop LLC fails to comply with this condition, then the full monetary penalty will be automatically imposed.

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

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2020-02772, Kristy Cook Tuck**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Kristy Cook Tuck appeared at the meeting via Google Meet and addressed the Board.

File Number 2020-02772, Kristy Cook Tuck

Upon a motion by Mr. Quesenberry and seconded by Ms. Gilanshah, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Kristy Cook Tuck's nail technician license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-00364, Anthony DeWayne Leonard**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Anthony DeWayne Leonard did not appear at the meeting

File Number 2021-00364, Anthony DeWayne Leonard

Upon a motion by Ms. Gilanshah and seconded by Mr. Quesenberry, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Anthony DeWayne Leonard's barber license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-00365, Eminent Hair Studio LLC**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Devon Antonio Robinson Dance appeared at the meeting via Google Meet and addressed the Board on behalf of Eminent Hair Studio LLC.


File Number 2021-00365 Eminent Hair Studio LLC

Upon a motion by Mr. Quesenberry and seconded by Ms. Gilanshah, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Eminent Hair Studio LLC's cosmetology salon license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Ms. Gilanshah, Mr. Machayo, Mr. Quesenberry, Mr. Roberts, and Ms. Smith. There were no negative votes. The motion passed unanimously.

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 10:03 a.m.

Adjourn


Margaret B. LaPierre, Board Chair


Mary Broz-Vaughan, Board Secretary