

**MINUTES OF MEETING
BOARD FOR BARBERS AND COSMETOLOGY
INFORMAL FACT-FINDING CONFERENCES
AUGUST 4, 2003 (9:00 A.M.)**

The Board for Barbers and Cosmetology convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Joyce Wilson-Clemmons, Board member, presided. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conference was recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case
Lic=Licensing Application
RF=Recovery Fund Claim
Trades=Tradesmen Application

C=Complainant/Claimant
A=Applicant
R=Respondent/Regulant
W=Witness
Atty = Attorney

Participants

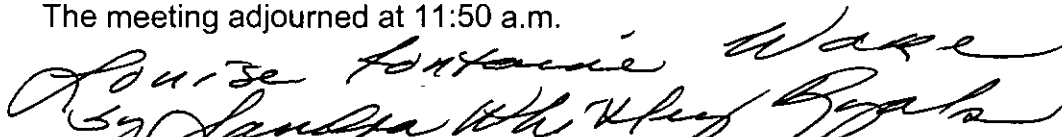
Lewis Edward Thompson, Jr.
File Number 2004-00494 (Lic)

Lewis Thompson, Jr. – A (By Phone)

John Edward Shearin
File Number 2004-00564 (Lic)

John Shearin – A (By Phone)

The meeting adjourned at 11:50 a.m.


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR BARBERS AND COSMETOLOGY**

**IN RE: LEWIS EDWARD THOMPSON, JR.
APPLICATION FOR BARBER LICENSE BY EXAMINATION**

FILE NUMBER: 2004-00494

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 4, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lewis Edward Thompson, Jr. on July 28, 2003. The following individuals participated at the conference: Lewis Edward Thompson, Jr., Applicant (By Phone); Douglas W. Schroder, Staff Member; and Joyce Wilson-Clemmons, Presiding Board Member.

Summation of Facts

1. Lewis Edward Thompson, Jr. applied for a Barber license on or about June 18, 2002, and disclosed criminal convictions.
2. On or about July 25, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Mr. Thompson's criminal activity began with armed robbery in 1989, possession and conspiracy to distribute cocaine in 1993, and distribution of cocaine in 1993.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Mr. Thompson is presently incarcerated, and upon release, will be under supervised probation. Mr. Thompson is currently eligible for parole, and is scheduled for mandatory parole on January 1, 2011. As a member of the barbering profession, I do not feel Mr. Thompson would be a danger to the community or society in which he would work and live.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

Mr. Thompson stated that he believed that barbering "had found him". This is the first time in his life that he feels he has a profession that would allow him to make a living, and to make a life for himself in society. His support system will be his biological father, brother, and sister, and he plans to live in the town in which he grew up.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I see no relationship between the crime and the occupation, and his fitness to practice the occupation.

5. The extent and nature of the person's past criminal activity;

Mr. Thompson was convicted of armed robbery, possession of cocaine with intent to distribute, and distribution of cocaine.

6. The age of the person at the time of the commission of the crime;

Mr. Thompson was approximately 23 years of age at the time of his first offense.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

It has been approximately 10 years since the criminal activity concluded, and Mr. Thompson has been, and still is, incarcerated at the time of this IFF conference. He is currently eligible for parole consideration each year and his mandatory parole date is January 1, 2011.

8. The conduct and work activity of the person prior to and following the criminal activity; and

Mr. Thompson worked as a carpenter and laborer in construction, and in landscaping. He dropped out of school and became involved with drugs at age 17. He lived in a home with a stepfather, who was a drug dealer, and he accepted drugs as a normal part of life.

In a letter dated November 20, 2002, from Mr. Thompson, he stated that he had enrolled in "many programs" during his incarceration, and "developed a love for barbering". He also indicated that he had found something that he really loved doing and that would allow him to make an honest living. He is currently working as a Barbers Aid at the penitentiary.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Mr. Thompson completed his GED while incarcerated. He has also completed two programs, "Breaking Barriers" and "Life". Breaking Barriers has helped Mr. Thompson to understand how he can break away from a lifestyle that led him to criminal activity and incarceration.

Mr. Thompson stated that at the age of 37, he sees his life unfolding quickly before him, and he realizes he must make the changes "now or never".

Conclusion and Recommendation

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, I recommend Mr. Thompson's application for a barber license be approved.

By 

Joyce Wilson-Clemmons
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: August 4, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR BARBERS AND COSMETOLOGY**

**IN RE: JOHN EDWARD SHEARIN
APPLICATION FOR BARBER LICENSE BY EXAMINATION**

FILE NUMBER: 2004-00564

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 4, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to John Edward Shearin on August 1, 2003. The following individuals participated at the conference: John Edward Shearin, Applicant (By Phone)); Douglas W. Schroder, Staff Member; and Joyce Wilson-Clemmons, Presiding Board Member.

Summation of Facts

1. John Edward Shearin applied for a Barber license on or about June 18, 2002, and disclosed criminal convictions.
2. On or about July 30, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Mr. Shearin has a long history of criminal convictions, which began as a teenager:

Possession of Stolen Merchandise, Misdemeanor, 11/9/1967
Assault & Grand Larceny from a Person, Felony, 1/12/1969
Larceny, Misdemeanor, 4/15/1969

Robbery, Felony, 1/23/1975
Petit Larceny, Misdemeanor, 3/29/85
Third Offense Petit Larceny, Felony, 3/4/1987
Distribution of Cocaine, Felony, 8/9/1993

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The rules and regulations of the barbering profession are quite stringent, and if not followed jeopardize sanitation, and therefore, the safety of clients. I do not feel that he is a suitable candidate to become a licensed barber.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

I believe there would be opportunity for criminal activity as a licensed barber.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

Mr. Shearin's record for the past 37 years indicates to me that he would have a very difficult time complying with the many requirements of being a licensed barber.

5. The extent and nature of the person's past criminal activity;

Mr. Shearin was convicted of numerous crimes over a 26 year period, including misdemeanors and felonies. During the 37 years since his first offense when he was 17 years of age, Mr. Shearin has spent approximately 28 years of his adult life incarcerated. He is now 53 years of age.

6. The age of the person at the time of the commission of the crime;

Mr. Shearin was approximately 17 years of age at the time of his first offense.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

It has been approximately 10 years since the criminal activity concluded, and Mr. Shearin has been, and still is, incarcerated at the time of this IFF conference. Mr. Shearin is eligible for parole in October or November, 2004.

8. The conduct and work activity of the person prior to and following the criminal activity;

Mr. Shearin lived in an abusive household and left home at the age of 17, living on his own in a rooming house. He later was employed as a fork lift operator, a warehouseman, food preparer, and a service station attendant. His wages were minimum, and he lacked sufficient income for daily living expenses, and a gambling habit he developed.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Mr. Shearin completed a substance abuse program in 1995. He has completed "Life Skills" and "Transition Out" programs in 2001. He will be examined for his GED on Wednesday, August 6, 2003.

In addition, he spends his time practicing his religious faith.

Conclusion and Recommendation

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, I recommend Mr. Shearin's application for a barber license be denied.

By: 

Joyce Wilson-Clemmons
Presiding IFF Board Member
Board for Barbers and Cosmetology

Date: August 4, 2003