

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, May 15, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Matthew D. Roberts
Margaret B. LaPierre
Oanh "Tina" Pham Kim Dang
Marques Blackmon
Gregory Edwards
Claudia Espinoza
Emmanuel Gayot

The following board members were not present:

Sandra G. Smith
Renee Gilanshah
Bo Machayo

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

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs
Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was present for the meeting.

Elizabeth Peay, Assistant Attorney General

Mr. Roberts, Chair, determined a quorum was present and called the meeting to order at 9:22 a.m.

Call to Order

Ms. Smith, Executive Director, explained the emergency evacuation rocedures for board room 2.

**Emergency
Evacuation
Procedures**

Ms. Smith informed the Board that case 2023-00335 Empire Nails LLC will be moved to the July Board Meeting.

**Approval of
Agenda**

The Board took the amended agenda under consideration.

Upon a motion by Ms. LaPierre and second by Mr. Edwards, the Board voted to adopt the amended agenda.

The members voting "yes" were Ms. LaPierre, Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the March 13, 2023, Board Meeting under consideration.

**Approval of
Minutes**

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

The members voting "yes" were Ms. LaPierre, Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the March 13, 2023, Regulatory Review Committee Meeting under consideration.

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

The members voting "yes" were Ms. LaPierre, Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Smith called the Board's attention to the email from Annelies Bailey that is in the agenda. Annelies Bailey suggested during the Board's reevaluation of lowering cosmetology hours training to allow a majority of the instruction to be completed online.

Communication

Soncee Baldwin addressed the Board concerning regulations to allow Permanent Cosmetic Tattooers to perform fine-line tattoos and eyelash extensions.

Public Comment

Laura Todd provided the Board handouts and expressed her concerns with the Board determining practical, theory, and online instruction. Ms. Todd also discussed esthetics training reduction.

Matthew England addressed the Board with his concerns on practical, theory, and online theory instruction and the reduction of esthetics training hours.

Cases

In the matter of **File Number 2023-00118, Latonya D. Taliferro**, Ms. LaPierre recused herself from the case.

File Number 2023-00118, Latonya D. Taliferro

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Latonya Taliferro did appear at the meeting in person and addressed the Board.

Upon motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the violation.

Upon motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the sanction recommendation which cites:

Count 1: 18 VAC 41-20-280.4 \$100.00
Total (monetary penalties) \$100.00

The members voting “yes” were Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-01788, Zahra Ali Lakhani**, Ms. LaPierre recused herself from the case.

File Number 2021-01788, Zahra Ali Lakhani

Zahra Ali Lakhani did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to postpone the case to the next Board Meeting due to not having a quorum if Mr. Roberts recused himself.

The members voting “yes” were Mr. Edwards, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of File Number 2017-02300, Sonita Chea, Mr. Roberts recused himself from the case.

File Number 2017-02300, Sonita Chea

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Sonita Chea did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon motion by Mr. Blackmon and seconded by Ms. Espinoza, the Board voted to accept the violation.

Upon motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the sanction recommendation which cites:

Count 1: 18 VAC 41-20-280.A.3	\$2,500.00
Count 2: 18 VAC 41-20-280.6	\$2,200.00
Total (monetary penalties)	\$4,700.00

In addition, license revocation for Counts 1 and 2.

The members voting “yes” were Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of File Number 2022-02649, Graffiti Tattoo & Piercing Inc. t/a Graffiti's Ink Gallery, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2022-02649, Graffiti Tattoo & Piercing Inc. t/a Graffiti's Ink Gallery

A qualified representative from Graffiti Tattoo & Piercing Inc. did not appear at the meeting in person, by counsel.

Upon motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the violation.

Upon motion by Ms. LaPierre and seconded by Ms. Esponza, the Board voted to accept the sanction recommendation.

Board discussed recommended sanction Count 1. A motion to friendly amend Count 1 to impose a monetary penalty to better reflect the severity of the

violation was accepted by Ms. LaPierre, Mr. Blackmon, and Ms. Esponza. The Board voted to accept the sanctions:

Count 1: 18 VAC 41-60-180.A	\$ 250.00
Count 2: 18 VAC 41-60-190.R	\$2,500.00
Count 3: 18 VAC 41-60-190.K	\$ 500.00
Total (monetary penalties)	\$3,250.00

The members voting “yes” were Mr. Roberts, Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01903, Donald Bryant Millen**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-01903, Donald Bryant Millen

Donald Bryant Millen appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Donald Millen’s application for Tattoo License.

The members voting “yes” were Mr. Roberts, Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01619, Joseph Eugene Williams**, Mr. Edwards recused himself.

File Number 2023-01619, Joseph Eugene Williams

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Joseph Williams appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Joseph Williams's application for Tattoo License.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01623, Pro Nail Spa LLC**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits. **File Number 2023-01623, Pro Nail Spa LLC**

Khanh Nha Hoang appeared at the meeting in person and was provided a Vietnamese translator by the Board as she addressed the Board.

Upon a motion by Mr. Blackmon and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Pro Nail Spa LLC's application for Nail Salon License.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01626, Michele Kari Lucht**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits. **File Number 2023-01626, Michele Kari Lucht**

Michele Lucht did not appear at the meeting in person, however, a letter from Michele Lucht was given to the Board.

Upon a motion by Ms. LaPierre and seconded by Ms. Espinoza, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Michele Lucht's application for Cosmetology License.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2023-01797, Dustin Wade Messer**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-01797, Dustin Wade Messer

Dustin Messer appeared at the meeting in person and addressed the Board.

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Dustin Messer’s application for Tattoo License.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2022-01022, Armaghan Amy Philippe**, Mr. Roberts recused himself from the case.

File Number 2022-01022, Armaghan Amy Philippe

Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Armaghan Amy Philippe did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the violation.

Upon a motion by Mr. Edwards and seconded by Mr. Blackmon, the Board voted to accept the sanction recommendation which cites:

<u>Count 1: 18 VAC 41-20-280.A.3</u>	<u>\$2,250.00</u>
Total (monetary penalties)	\$2,250.00

In addition, license revocation for Count 1.

The members voting “yes” were Mr. Edwards, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

EXAMINATIONS

Mr. Roberts requested the Board to review the handout on examination statistics.

Statistics

The Board discussed the tattoo examination. Mr. Kirschner informed the Board that an Exam Director was hired.

REGULATORY ACTION AND BOARD GUIDANCE

Ms. Rodriguez informed the Board of the current regulatory actions:

Regulatory Report

- Easing Licensing Requirements for grandfathered licensees failing to renew licensure is a fast-track regulation in the initial review stage.
- The final stage of the Tattoo Regulations was approved. The public comment period will open on June 5.
- Lowering Cosmetology Training to 1000 hours is in the proposed regulatory stage.
- The Secretary of Labor requested the Board make a few changes to the Instructor Training regulations. Discussion on this regulatory action was moved to the new business portion of our meeting.

Ms. Smith informed the Board there is no Legislative report.

Legislative Report

NEW BUSINESS

Ms. Rodriguez stated the Board authorized a regulatory action on January 9, 2023, extending the temporary permit for those completing a registered apprenticeship to 90 days. Staff encourages the Board to consider changing the regulations to allow individuals to apply for a 90-day temporary permit after completing a training program or a registered apprenticeship.

NOIRA Fast Track for 90 Temporary Permits for All Applicants

The Board discussed the 90-day temporary permit.

Upon a motion by Mr. Blackmon and seconded by Mr. Edwards, the Board voted to accept the amended regulatory action.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez stated that the guidance document in the agenda will help schools distinguish theory and practical coursework.

Upon a motion by Ms. LaPierre and seconded by Mr. Gayot, the Board voted to accept the guidance document.

The Board discussed the guidance document.

Upon a motion by Mr. Edwards and seconded by Ms. LaPierre to rescind the motion to accept the guidance document.

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards to refer the guidance document to the Regulatory Review Committee for further evaluation.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Smith recommends referring the reduction of cosmetology apprenticeship hours to the Regulatory Review Committee. The Board is in agreement.

Ms. Smith asked the Board to consider combining the Esthetics and Master Esthetics Licenses.

The Board discussed whether to form a Regulatory Advisory Panel (RAP) to combine the Esthetics and Master Esthetics Licenses.

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon the Board will form a Regulatory Advisory Panel (RAP) Committee with the help of Staff. The RAP Committee will consist of 10 members, five school owners, two Estheticians, and three Master Estheticians.

Guidance Document Amendment-Theory V. Practical Coursework

Cosmetology Apprenticeship Hours

Discussion-Esthetics Programs

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez asked the Board to refer to the memo in the agenda, requesting the Board to consider withdrawing the instructor action or amending the language to eliminate the 400-hour curriculum requirement.

**Proposed
Instructor
Regulations
Revision**

The Board discussed the instructor training program.

Upon a motion by Mr. Gayot and seconded by Mr. Edwards to amend the language and eliminate the 400-hour curriculum requirement.


The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Roberts, Ms. Dang, Mr. Blackmon, Ms. Espinoza, and Mr. Gayot. There were no negative votes. The motion passed unanimously.

Ms. Smith called the names of Board Members who volunteered on the Regulatory Review Committee:


Matthew D. Roberts
Margaret B. LaPierre
Oanh “Tina” Pham Kim Dang
Marques Blackmon
Gregory Edwards
Emmanuel Gayot
Renee Gilanshah

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 11:32 a.m.

Adjourn



Margaret LaPierre, Board Vice-Chair



Demetrios J. Melis, Board Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Gregory Edwards
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)
4. Meeting/IFF Date: 05/15/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. 2023-01619 Joseph Williams
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

Yes Mr. Williams works for me so I felt I should
a legal conflict.

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Tattoo

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:


Signature

May 15, 2023
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Margaret LaPierre
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)
4. Meeting/IFF Date: 05/15/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A.

(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:

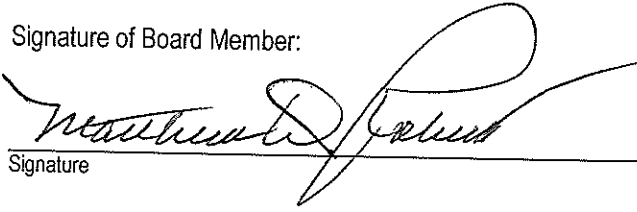
Margaret LaPierre
Signature

5/15/2023
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Matthew Roberts
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)
4. Meeting/IFF Date: 05/15/2023
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member:

Signature
- 5-15-23
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Oanh Pham Kim Dang
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)
4. Meeting/IFF Date: 05/15/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

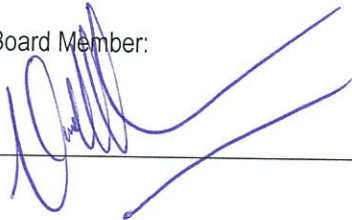
C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:

Signature



Date

5/15/2023

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Claudia Espinoza
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)

4. Meeting/IFF Date: 05/15/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

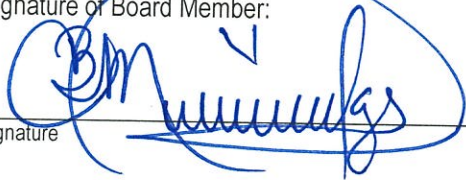
C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:

Signature



Date

05/15/2023

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Marques Blackmon
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Barbers and Cosmetology
(Name of Board)
4. Meeting/IFF Date: 05/15/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member:


Signature

5/15/23
Date