

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, November 6, 2006, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4th Floor, Richmond, Virginia. The following members were present:

Jessie H. Anders

Hien Huu Do

Gloria L. Howard-Seldon

Lonnie E. Quesenberry

Jessica B. Weaver

L. Saphonia Gee – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related estheticians until July 1, 2007.

Laura A. Todd – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related to estheticians until July 1, 2007.

The following members were absent:

Janet E. Girardi

Algie T. Howell, III

Virginia L. Sanders

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

Jay W. DeBoer, Director

David B. Ashe, Deputy Director

Nick A. Christner, Deputy Director for Compliance & Investigations

Bonnie Rhea Adams, Director of Complaint Analysis & Resolutions

William H. Ferguson, II, Executive Director

Earlyne B. Perkins, Legal Analyst

Sharon Sweet, Director of Education & Examinations

Rashaun K. Minor, Administrative Assistant

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

Elizabeth B. Peay, Assistant Attorney General

Mr. Quesenberry, Chair, determined a quorum was present and called the meeting to order at 9:08 a.m.

Call to Order

Upon a motion by Mr. Anders and seconded by Ms. Howard-Seldon the Board voted to amend the agenda to include the National Association of Barber Boards of America 2006 Annual Conference, the Financial Disclosure Statement, and DPOR 2004-2006 Biennial Report..

Approval of Agenda

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

Mr. Quesenberry asked if there was any public comment.

Public Comment Period

There was no public comment.

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Anders, the Board voted to approve the minutes of the:
August 7, 2006 Board for Barbers and Cosmetology board meeting,
July 20, 2006 Informal Fact-Finding Conference,
September 28, 2006 Informal Fact-Finding Conference,
October 12, 2006 Informal Fact-Finding Conference, and the
October 19, 2006 Informal Fact-Finding Conference.

Approval of Minutes for August 7, 2005 Board Meeting, July 20, 2006 IFF, September 28, 2006 IFF, October 12, 2006 IFF, and October 19, 2006 IFF

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

At 9:15 a.m. the Board recessed and reconvened at 9:30 a.m.

Break

In the matter of **File Number 2006-05311, Board v. Finchem, Stanley H.**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Finchem appeared at the board meeting and addressed the Board.

File Number 2006-05311 Finchem, Stanley H.

Upon a motion by Ms. Weaver and seconded by Mr. Do, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Mr. Stanley H. Finchem's tattooer license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-01079, Board v. Creech, Andrew Kent**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Creech appeared at the board meeting and addressed the Board.

**File Number
2006-01079 Creech,
Andrew Kent**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Anders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Mr. Andrew Kent Creech's tattooer license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-02657, Board v. Keen, Kevin Douglas**, the Board considered the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Keen did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2006-
02657 Keen, Kevin
Douglas**

Upon a motion by Ms. Weaver and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Mr. Kevin Douglas Keen's tattooer license application

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-01042, Board v. Adams, Robin Antionette**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Adams did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2006-
01042 Adams,
Robin Antionette**

Ms. Howard-Seldon made a motion to reject the recommendation and not accept Ms. Adam's cosmetologist license the motion was seconded by Mr. Anders.

Upon a substitution motion by Ms. Howard-Seldon and seconded by Mr. Anders, the Board voted to accept the recommendation in the Summary of the Information Fact-Finding Conference and approved Ms. Robin Antionette Adam's cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-01043, Board v. Woolard-Reyes, Lorraine**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Lorraine Woolard-Reyes did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-01043 Woolard-Reyes, Lorraine

Upon a motion by Mr. Anders and seconded by Ms. Weaver, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Lorraine Woolard-Reyes' cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-01065, Board v. McCray, Crystal Banks**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. McCray did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-01065 McCray, Crystal Banks

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Anders, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Crystal Banks McCray's cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-05422, Board v. Your Hair Oasis**, the Board reviewed the record, which consisted of the pre-Informal Fact-Finding Conference Consent Order. Your Hair Oasis did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2006-05422 Your Hair Oasis Consent Order

By signing the Consent Order, Your Hair Oasis (Rodrick L. Barfield, owner) acknowledged an understanding of the charges and admitted to the violation(s) of the Count as outlined in the Report of Findings.

Your Hair Oasis consented to the following term(s):

Count 1:	18 VAC 41-20-280.C.2	\$250.00
In addition Your Hair Oasis agreed to pay		\$150.00
Board cost in the amount of:		

TOTAL:		\$400.00

Upon a motion by Mr. Howard-Seldon and seconded by Mr. Anders, the Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Anders, Mr. Do, Mr. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

Mr. Christner provided the Board information about cases handled by the Compliance and Investigations Division.

**Compliance and
Investigation
Division**

Mr. Christner gave a synopsis on the types of complaints received and how they were resolved. Mr. Christner reported that during the two years he has been with the Agency the complaints have been generally of the same nature and there has not been a substantial increase or decrease in the number of complaints received.

Mr. Christner reported that a very large number of complaints are received anonymously which are basically problematic in two ways:

- (1) If the information provided is not specific there is no source to contact to gather additional information;
- (2) If the information is received is specific it is difficult to move forward especially regarding unlicensed activity because there are no willing participants to aid in the investigation in obtaining warrants. Additionally, Commonwealth Attorneys have required actual observation of the activity, before they would authorize the obtaining of a warrant.

Mr. Christner reported that just over 30 complaints, regulatory in nature, were brought into compliance and 20 unlicensed cases were brought into compliance.

Mr. Christner reported that the Inspection Violation Consent Agreement have proven successful. Twenty-one cases have resulted in 58 violations.

Mr. Christner concluded his report by fielding questions from the Board.

The Board was informed that the Final Tattooing Regulations completed the regulatory process and went into effect October 1, 2006. **Tattooing Regulations**

The Board was informed that the Final Hair Braiding Regulations completed the regulatory process and went into effect November 1, 2006. **Hair Braiding Regulations**

The Board was informed that the Body-Piercing Regulations were in the final stage of regulatory review and are currently in the Governor's Office pending review. **Body-Piercing Regulations**

The Board was informed that the Proposed Esthetics Regulations were approved by the Governor and were published in the *Virginia Register*, Volume 23, Issue 04, Monday, October 30, 2006. The regulations are is currently in a 60-day public comment period from October 30, 2006, through December 29, 2006. **Esthetics Regulations**

Public comment may be submitted in writing by mail, e-mail, fax or presented at the scheduled public hearing, Monday, December 11, 2006, 10:00 a.m., at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

Persons presenting comment at the public hearing are encouraged to provide a copy of their comments in writing. Public comment must be submitted between October 30 and December 29, 2006. Comments submitted prior to October 30 must be resubmitted in order to be included in the public comment to be considered by the Board.

The Board will take no action other than receiving public comment on the proposed regulations at the public hearing. The public hearing is held to provide an opportunity for public comment to be submitted, but not for the Board to take action on the comments. The text of the proposed regulations may be accessed electronically on the Virginia Town Hall website

Ms. Sweet reported that on May 24, 2006, the National-Interstate Council of State Boards of Cosmetology, Inc. (NIC) declined their request for the development of a master esthetician practical examination stating, in part, to all the different machinery, expense, and liability that a practical examination would encompass.

Ms. Sweet reported that an e-mail was sent to six examination service vendors to determine if a market exists for the development and administration of a master practical esthetician examination.

Only one vendor indicated interest and provided an estimate based on 1000 candidates per year for the master practical. That vendor estimated a cost of \$140 to \$160 per candidate for 1000 candidates for one exam site and \$275 to \$300 per candidate for 1000 candidates for four exam sites.

In addition, the proposed regulations require a cap on the examination fees, both written and practical of \$225.

The recommendation was that the Board change the text to provide the Board with the maximum discretion in determining the licensure requirements.

Ms. Gee and Ms. Todd volunteered to continue working with Ms. Sweet on means of determine competency.

At 10:36 a.m. the Board recessed and reconvened at 10:46 a.m.

Break

Mr. Anders reported on the National Association of Barber Boards of America 80th Annual Conference held September 23-28, 2006 in Denver, Colorado.

**National Association
of Barber Boards of
America 2006
Annual Conference**

Ms. Anders stated the mission and the objectives of the National Association of Barber Boards of America and stated topics that were discussed this year - protecting the use of the barber pole, falsification of licensure, education, history of barbering, and preserving identity.

Mr. Anders also reported that this year's conference was dedicated in special memory of Mr. Edwin C. Jeffers, a licensed barber for over 48 years and Executive Officer and Communications office with the National Association for Barber Boards of America who died earlier this year.

Mr. Quesenberry reported the Ms. Howard-Seldon, Ms. Dugger, and he attended the National Interstate Council of State Boards of Cosmetology (NIC) 2006 Annual Conference held August 26-28, 2006, in Portland, Maine.

**National-Interstate
Council of State
Boards of
Cosmetology 2006
Annual Conference**

Mr. Quesenberry reported that the theme for NIC's 2006 Annual Conference was "Collaborative Leadership". The topics addressed

were nationwide mobility - reciprocity, infection control, the regulatory review process, broadcasting live meetings, and communication/persuasion. The highlights were to promote collaboration in the regulation of cosmetology and related fields both nationally and internationally.

Mr. Quesenberry reported that Kirby Morris CEO and representative of NIC successfully established a complete Founding Board that will establish and sign agreements for the qualifications for Nail Technology, Barbering, and Cosmetology. According to Mr. Morris, the states that are participating in the NIC National Examination Program will now have endorsement into Australia, Canada, New Zealand, South Africa, South Korea, and the United Kingdom as well as the 38 states that are currently taking our candidates through endorsement.

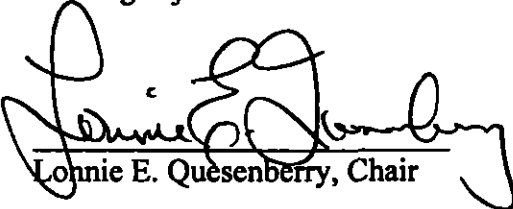
The Board was informed that the Financial Disclosure Statement will be mailed out soon and board members are required annually to complete and return the forms to the board office.

**Other Board
Business**

Board Members were given a copy of the Department of Professional and Occupational Regulations 2004-2006 biennial report.

There being no other business to be brought before the Board, the meeting adjourned at 11:17 a.m.

Adjourn


Lonnie E. Quesenberry, Chair


Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of the Records

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

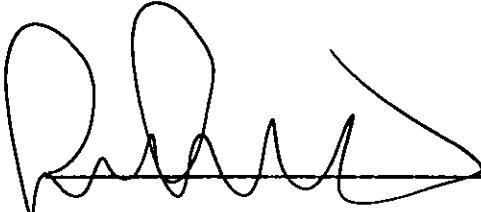
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

- 1. Name: Hien Huu Do
- 2. Title: Board Member – Virginia Board for Barbers and Cosmetology
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: November 6, 2006 Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: H I E N H D O

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:  _____ Date: Nov 06, 2006

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

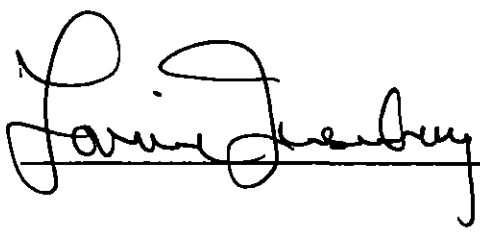
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

- 1. Name: Lonnie E. Quesenberry
- 2. Title: Board Member - Virginia Board for Barbers and Cosmetology
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: November 6, 2006 Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:  Date: 11-6-06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Gloria Howard-Seldon
2. Title: Board Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: November 6, 2006 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature:

Gloria Howard Seldon Date: 11-26-2006

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Jessica B. Weaver
2. Title: Board Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: November 6, 2006 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

~~(b)~~ I am able to participate in this transaction fairly, objectively and in the public interest.

Signature: _____

J. Weaver

Date: _____

11/6/06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Laura A. Todd
2. Title: Board Member - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: November 6, 2006 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____
- _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

~~(b) I am able to participate in this transaction fairly, objectively and in the public interest.~~

Signature:



Date:

11/6/06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

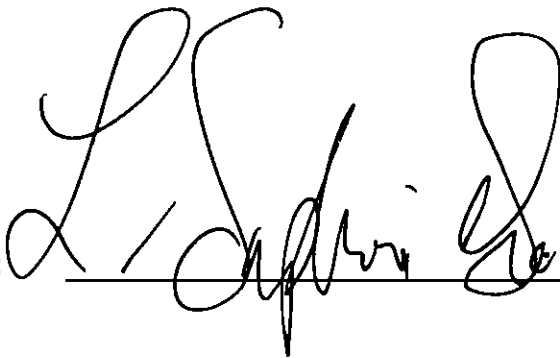
1. Name: L. Saphonia Gee
2. Title: Board Member - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: November 6, 2006 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature: _____



Date: _____

11-6-06

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of
State Government [§2.1-639.13(D)] and
Local Government [§2.1639.14(E)]**

1. Name: Jessie H. Anders
2. Title: Board Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: November 6, 2006 Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest.

Signature: _____

Jessie H. Anders

Date: _____

6-6-06

BOARD FOR BARBERS AND COSMETOLOGY

TENTATIVE AGENDA

Monday, November 6, 2006 – 9:00 a.m., Conference Room 4-West, 4th Floor
Department of Professional and Occupational Regulation, 3600 West Broad Street
Richmond, Virginia 23230-4917
(804) 367-8509

I. CALL TO ORDER

II. APPROVAL OF AGENDA

1. Board for Barbers and Cosmetology Meeting Agenda, November 6, 2006

III. PUBLIC COMMENT PERIOD*

IV. APPROVAL OF MINUTES

2. August 7, 2006, Board for Barbers and Cosmetology Board Meeting
3. July 20, 2006 Board for Barbers and Cosmetology Informal Fact-Finding Conference
4. September 28, 2006 Board for Barbers and Cosmetology Informal Fact-Finding Conference
5. October 12, 2006 Board for Barbers and Cosmetology Informal Fact-Finding Conference
6. October 19, 2006 Board for Barbers and Cosmetology Informal Fact-Finding Conference

V. CASES

- | | |
|--|---|
| 7. 2006 – 05311 – Finchem, Stanley H.
Application | 11. 2007 – 01043 – Woolard-Reyes, Lorraine
Application |
| 8. 2007-01079 – Creech, Andrew Kent
Application | 12. 2007 – 01065 – McCray, Crystal
Application |
| 9. 2006 – 02657 – Keen, Kevin
Application | 13. 2006 – 05422 – Your Hair Oasis
Consent Order |
| 10. 2007 – 01042 – Adams, Robin
Application | |

VI. COMPLIANCE AND INVESTIGATION DIVISION

VII. REGULATIONS

Tattooing Final Regulations
Hair Braiding Final Regulations
Body-Piercing Final Regulations
Esthetics Proposed Regulations

VIII. NIC 2006 ANNUAL CONFERENCE REPORT

IX. OTHER BOARD BUSINESS

X. ADJOURN

NEXT MEETING DATE FEBRUARY 5, 2007

* 5 minute public comment, per person, with the exception of any open disciplinary or application files. Persons desiring to attend the meeting and requiring special accommodations and/or interpretive services should contact the Board Office at (804) 367-8590 TDD (804) 367-9753 at least ten (10) days before the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.