

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met at 9:00 a.m. on Monday, April 29, 2024, at the Department of Professional and Occupational Regulation Offices, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia.

The following board members were present:

Matthew D. Roberts
Margaret B. LaPierre
Gregory Edwards
Oanh “Tina” Pham Kim Dang
Sandra G. Smith
Marques Blackmon

The following board members were not present:

Bo Machayo
Emmanuel Gayot
Kailey Blakeney
Claudia Espinoza

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

Brian Wolford, Chief Deputy Director
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs
Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Wendy Duncan, Licensing Operations Administrator
Heather Garnett, Administrative Coordinator
Joseph Haughwout, Regulatory Affairs Manager

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

Mr. Roberts, Chair, determined a quorum was present and called the meeting to order at 9:17 a.m.

CALL TO ORDER

Mr. Roberts read the Department of Professional & Occupational Regulations mission and announced several meeting reminders.

Ms. Smith, Executive Director, explained the emergency egress procedure for board room 4.

**EMERGENCY
EGRESS**

The Board took the agenda under consideration.

**APPROVAL OF
AGENDA**

Ms. Smith addressed the Board concerning several unexpected Board member absences, as a result there was not a quorum to consider cases 2021-01788, 2023-02328, 2023-01791, 2023-01146, 2023-02274 on the agenda.

Mr. Roberts addressed the audience, stating individuals that were in attendance to speak to the Board about any of those cases should meet with board staff after the meeting.

Mr. Edwards motioned to approve the agenda as amended, seconded by Mr. Blackmon.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion carried.

The Board took the minutes of the Board meeting on March 25, 2024, and Regulatory Review Committee meeting on April 8, 2024, under consideration as a block.

**APPROVAL OF
MINUTES AS A
BLOCK**

Mr. Edwards motioned to approve the minutes, seconded by Ms. LaPierre.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion carried.

Mr. Roberts called the Boards attention to the communication found in the electronic agenda and printed handout, “The legal defensibility of the NIC Examination Program”.

COMMUNICATIONS

There was no Board discussion.

Mr. Roberts called the Boards attention to the communication found in the electronic agenda and printed handout, from Susan Colard, Executive Director with NIC.

Ms. Smith informed the Board the PSI contract term to administer the National Interstate Council of State Board of Cosmetology (“NIC”) exams will end on December 31, 2024. In 2019, the Board made the decision that students can take the national exam, therefore the contractual relationship ending between NIC and PSI would not cause a problem for applicants. The Board has posted its Request for Proposal (RFP) for an exam vendor.

There was no Board discussion.

Mr. Roberts called the Boards attention to the communication found in the electronic agenda and printed handout from Gwanshema Ladd, concerning changes to cosmetology and nail rules.

There was no Board discussion.

Mr. Roberts opened the floor for public comment.

Kendra Edgell addressed the Board with obstacles obtaining a body-piercing license. Ms. Edgell stated difficulties locating a Virginia school or a qualified sponsor which led her to attend an out of state class.

In response to Ms. Edgell's comment, the Board indicated they will discuss the possibility of creating body-piercing school curriculum at another Board Meeting.

In the matter of File Number 2021-01788, Zahra Ali Lakhani, Mr. Roberts stated a quorum was not present to consider the case due to several unexpected Board member absences. The case will be considered at the next Board meeting.

In the matter of File Number 2023-02328, Lesley Nelson-Cook dba Rejuvenation Skin Institute, Mr. Roberts stated a quorum was not present to consider the case due to several unexpected Board member absences. The case will be considered at the next Board meeting.

In the matter of File Number 2023-01791, Oualid Tayari t/a Willys Barbershop & Hair Stylist, Mr. Roberts stated a quorum was not present to consider the case due to several unexpected Board member absences. The case will be considered at the next Board meeting.

In the matter of File Number 2023-01146, Sammy Leary, Mr. Roberts stated a quorum was not present to consider the case due to several unexpected Board member absences. The case will be considered at the next Board meeting.

In the matter of File Number 2023-02274, Viet Think LLC t/a Darling Nails, Mr. Roberts stated a quorum was not present to consider the case due to

**PUBLIC
COMMENT**

CASES

Disciplinary

File Number 2021-01788, Zahra Ali Lakhani

File Number 2023-02328, Lesley Nelson-Cook dba Rejuvenation Skin Institute

File Number 2023-01791, Oualid Tayari t/a Willys Barbershop & Hair Stylist

File Number 2023-01146, Sammy Leary

File Number 2023-02274, Viet Think

several unexpected Board member absences. The case will be considered at the next Board meeting.

LLC t/a Darling Nails

Consent Order

In the matter of File Number **2024-00830, Pure Nails LLC, t/a Pure Nails and Spa**, Board members reviewed the Consent Order as seen and agreed to by a representative of Pure Nails LLC, t/a Pure Nails and Spa.

File Number 2024-00830, Pure Nails LLC, t/a Pure Nails and Spa

Neither Pure Nails LLC, t/a Pure Nails and Spa's counsel, nor any other qualified representative addressed the Board.

Ms. LaPierre motioned to adopt the Consent Order and to accept the violations, seconded by Mr. Edwards.

The violations were:

| | | |
|-------------|--------------------|------------|
| Count 1: | 18 VAC 41-20-280.4 | \$1,300.00 |
| Sub-total | | \$1,300.00 |
| Board Costs | | \$ 150.00 |
| Total | | \$1,450.00 |

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion carried.

Licensing

In the matter of File Number **2024-01332, Destiney Lyons**, 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 2024-01332, Destiney Lyons

Destiney Lyons addressed the Board.

Mr. Edwards motioned to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Destiney Lyons' application for nail technician license, seconded by Mr. Blackmon.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion carried.

In the matter of, File Number **2024-01075, Headlynaz 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 2024-01075, Headlynaz LLC

Marress Gary Jr. addressed the Board.

Ms. LaPierre motioned to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Headlynaz LLC application for barbershop license, seconded by Ms. Smith.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion carried.

In the matter of, File Number **2024-00900, Jeanette Showalter**, 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 2024-00900, Jeanette Showalter

Jeanette Showalter, counsel, nor any other qualified representative address the Board.

Ms. LaPierre motioned to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Jeanette Showalter application for cosmetology license, seconded by Mr. Edwards.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion carried.

REPORTS

Mr. Roberts called the Boards attention to the examination statistics that was provided in the electronic agenda and presented as a handout.

Examination Statistics

The Board did not have any questions or discussion.

Ms. Rodriguez presented the regulatory report that was provided in the electronic agenda and presented as a handout.

Regulatory Report

The Board did not have any questions or discussion.

Ms. Smith presented the executive directors report that was provided in the electronic agenda and presented as a handout.

Executive Director Report

The Board did not have any questions or discussion.

OLD BUSINESS

Ms. Smith provided the Board with an update regarding their concerns about §40.1-100 Code of Virginia. Board staff has started communications with DWDA concerning an exemption to this statute which will allow current enrolled students in public and private schools to work in salons between the ages of 16 and 18.

§40.1-100 of the Code of Virginia

Ms. Smith informed the Board the Regulatory Review Committee has completed the general review of Barbering and Cosmetology, Esthetics, Tattooing, and Body-Piercing Regulations. If the Board concurs with the proposed regulations, the Board can vote to adopt the proposed regulations.

NEW BUSINESS

Proposed Stage Language for General Review of Barbering and Cosmetology, Esthetics, Tattooing and Body-Piercing Regulations

Mr. Edwards motioned to adopt the proposed Barbering and Cosmetology Regulations, seconded by Ms. LaPierre.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion was adopted.

Ms. LaPierre motioned to adopt the proposed Esthetics Regulations, seconded by Mr. Edwards.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion was adopted.

Mr. Edwards motioned to adopt the proposed Tattooing Regulations, seconded by Mr. Blackmon.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion was adopted.

Mr. Edwards motioned to adopt the proposed Body-Piercing Regulations, seconded by Mr. Blackmon.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion was adopted.

Ms. Smith addressed the Board concerning petitions for case reconsideration and informed the Board a party may petition for reconsideration of a board decision made pursuant to §2.2-4020 within 15 days. The board must render a written decision within 30 days from the receipt of the petition. Ms. Smith requested the Board delegate this authority to the Board for Barbers and Cosmetology Executive Director to ensure reconsiderations are addressed within the timeframe set in statute.

Delegation of Authority for Requests for Reconsideration or Bylaws

The Board discussed case reconsiderations.

Mr. Edwards motioned to delegate the authority to the Executive Director to consider and render a decision on petitions for reconsideration of Board licensing and disciplinary case final decisions, seconded by Ms. LaPierre.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Mr. Edwards, Ms. Dang, Ms. Smith, and Mr. Blackmon. There were no negative votes. The motion was adopted.

Mr. Roberts reminded the Board of the Board Member Training Conference scheduled for October 10 and 11, 2024, and next Board meeting scheduled for July 8, 2024.

REMINDERS

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

Adjourn

Matthew Roberts, Board Chair

Kishore S. Thota, Board Secretary