

## **BOARD FOR BARBERS AND COSMETOLOGY**

### **MINUTES OF MEETING**

The Board for Barbers and Cosmetology met on Monday, March 14, 2022, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia. The following board members were present:

Gilda Acosta  
Oanh Pham Kim “Tina” Dang  
Emmanuel Gayot  
Margaret B. LaPierre  
Alfred O. Mayes  
Lonnie Quesenberry  
Matthew D. Roberts  
Sandra G. Smith

The following board member was not present:

Bo Machayo

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

Demetrios J. Melis, Director  
Stephen Kirschner, Executive Director  
Tamika Rodriguez, Regulatory Operations Administrator  
Amy Goobic, Executive Assistant

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

Elizabeth Peay, Assistant Attorney General

Mr. Roberts, Chair, determined a quorum was present and called the meeting to order at 9:14 a.m.

**Call to Order**

Mr. Kirschner welcomed and introduced Demetrios J. (Mitch) Melis, newly appointed Director of DPOR, and Kishore Thota, Chief Deputy Director. Mr. Kirschner also informed the Board that Tamika Rodrigues, had a new position, Regulatory Operations Administrator.

**Welcome & Introduction**

The Board took the agenda under consideration. Mr. Kirschner informed the Board that one case file had been removed from the original agenda sent out.

**Approval of Agenda**

Ms. LaPierre moved to approve the agenda as amended. Mr. Quesenberry seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

The Board took the minutes of the January 10, 2022, Board Meeting under consideration.

Ms. LaPierre moved to approve the minutes as presented. Mr. Mayes seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

There were no written communications to be reviewed.

Stefania Rafeedie was present to address the Board. Ms. Rafeedie is an esthetician, and owns Arch +Beauty in Fairfax. Ms. Rafeedie believes the esthetician curriculum is lacking in instruction for eyebrow enhancement and would like to work with the Board to create an accredited program for natural eyebrow enhancement.

Mark Blackman was present to address the Board. Mr. Blackman is a Master Barber in Loudoun County, and stated that he has concerns with unlicensed barbers practicing in the area.

In the matter of **File Number 2022-00094, Nailtiques & Spa, LLC.**, the Board members reviewed the Consent Order as seen and agreed to by Tu Oanh Thi Huynh Vu, owner of Nailtiques & Spa, LLC, No representative of Nailtiques & Spa, LLC was present at the meeting.

Mr. Quesenberry moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC41-20-270.B.3 (Count 1); 18VAC41-20-270.E.1 (Count 2); 18VAC41-20-280.10 (Count 3); and 18VAC41-20-270.B.2(Count 4). For these violations Tu Oanh Thi Huynh Vu, owner of Nailtiques & Spa, LLC, agrees to the following sanctions: \$100.00 for the violation contained in Count 1; \$100.00 for the violation contained in Count 2; \$300.00 for the violation contained in Count 3; \$300.00 for the violation contained in Count 4; and \$150.00 in Board Costs; for a total monetary penalty of \$950.00.

**Approval of  
Minutes for the  
January 10, 2022  
Board Meeting**

**Communication**

**Public Comment**

**Cases**

**File Number 2022-  
00094, Nailtiques  
& Spa, LLC**

Ms. LaPierre seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

Upon a motion by Ms. Gilanshah, the Board voted to consider and accept the findings of violations and the recommendations for the three (3) Prima Facie cases as a block. Ms. Smith seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

In the matter of **File Number 2020-02730, Diem Kieu Thi Cao**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Diem Kieu Thi Cao did not appear at the meeting in person, by counsel or by any other qualified representative.

Ms. Gilanshah moved to adopt the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Diem Kieu Thi Cao violated the following Board regulations: 18VAC41-20-280.3 (Count 1) and 18VAC41-20-280.11 (Count 2). For these violations the Board imposes the following monetary penalties: \$2,500.00 for the violation contained in Count 1; \$100.00 for the violation contained in Count 2; for a total monetary penalty of \$2600.00. In addition, the Board imposes license revocation for the violations contained in Count 1 and 2.

Ms. LaPierre seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

In the matter of **File Number 2021-02327, La Bella Nail & Beauty, LLC**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. There was no representative of La Bella Nail & Beauty, LLC at the meeting in person, by counsel or by any other qualified representative.

Ms. Gilanshah moved to adopt the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that La Bella Nail & Beauty, LLC violated the following Board regulations: 18VAC41-20-270.B.3 (Count 1); 18VAC41-20-270.B.7 (Count 2); 18VAC41-20-270.E.1 (Count 3); and 18VAC41-20-280.4 (Count 4). For these violations the Board imposes the following monetary penalties:

**Board Considers  
and Accepts  
Prima Facie Cases  
As Block**

**File Number 2020-  
02730, Diem Kieu  
Thi Cao**

**File Number 2021-  
02327, La Bella  
Nail & Beauty,  
LLC**

\$100.00 for the violation contained in Count 1; \$150.00 for the violation contained in Count 2; \$100.00 for the violation contained in Count 3; and \$1400.00 for the violation contained in Count 4; for a total monetary penalty of \$1750.00.

Ms. LaPierre seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

In the matter of **File Number 2021-02636, Bryan Christopher Perkins dba Clipper Kutz Salon**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Bryan Christopher Perkins did not appear at the meeting in person, by counsel or by any other qualified representative.

**File Number 2021-02636, Bryan Christopher Perkins dba Clipper Kutz Salon**

Ms. Gilanshah moved to adopt the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Bryan Christopher Perkins violated the following Board regulation: 18VAC41-20-280.4 (Count 1). For this violation the Board imposes the following monetary penalty: \$1400.00 for the violation contained in Count 1.

Ms. LaPierre seconded the motion motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

## **EXAMINATIONS**

Ms. Rodriguez provided exam statistics for year-to-date barber and cosmetology examinations.

### **Statistics**

Mr. Kirschner provided a report on examinations, informing the Board that exam vendor PSI is moving to computer based testing in public school programs. PSI will offer multiple ways to test including: onsite testing at PSI centers, mobile testing centers at hotel conference rooms, and mobile testing at schools. Students will receive scores immediately.

### **Report on Examinations**

## **REPORTS**

Mr. Mayes provided a brief report on the National Association of Barber Boards America (NABBA) conference he attended February 19-22, 2022. Mr. Mayes informed the Board that the annual NABBA conference would be September 18-22, in Atlanta.

NABBA Mid-Year Conference

Mr. Kirschner provided a report on legislative activity. He informed the Board that the fast track proposal for barber and cosmetology schools to accept transfer hours based on a competency exam and transcripts from the prior school, mirroring the esthetics regulations, took effect March 7th.

Regulatory and Legislative Report

Mr. Kirschner stated that there were two pending regulatory actions. The tattoo and body piercing regulations are in the final stage and are currently under review with the Secretary of Labor. Also, the proposed amendments to establish a uniform instructor program among licensed cosmetology, barber, nail, and wax schools are under review at the Department of Planning and Budget.

REGULATORY ACTION AND BOARD GUIDANCE

Mr. Kirschner reminded the Board that at the January 10, 2022 Board meeting, the Board rejected a Petition for Rulemaking from Christine Werne, President and Owner of the Chrysm Institute, regarding its bathroom requirements. The Board agreed in principle with the suggested change, but did not want to proceed with the petition as it would only change the Esthetics regulations and would leave the old requirement in the Barbers and Cosmetology regulations.

Regulatory Change – Bathroom Requirements for Facilities – Exclusivity Provision

Mr. Kirschner reported that the existing requirement is that facilities maintain a bathroom exclusively for client use. The proposed change is **“For facilities newly occupied after January 1, 2017, the bathroom shall be available for client use, within 200 feet of the entrance and must adhere to all sanitation standards in 18 VAC 41-70-270.”** This change would allow salons, shops, spas, and schools to share a bathroom with other businesses, as long as the facility licensee can maintain the sanitation of the bathroom and it is reasonably close to the entrance.

Mr. Quesenberry moved to approve the changes to the Esthetics and Barbers and Cosmetology regulations. Mr. Mayes seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot, LaPierre, Mayes, Quesenberry Roberts and Smith.

Mr. Kirschner informed the Board that under the Sanitation and Safety Standards in the Barbers and Cosmetology Regulations and Esthetics Regulations, the Board requires antibacterial soap for client and employee use. However, there is little evidence at this time that antibacterial cleansers are an improvement over non-antibacterial soaps at preventing diseases and infections. According to the U.S. Food and Drug Administration (FDA), the advantages of utilizing antibacterial hand cleansers have not been proven.

**Regulatory  
Change – Remove  
Anti-Bacterial  
Soap Requirement**

Ms. Gilanshah moved to have all references to the term ‘anti-bacterial’ removed from the regulations. Ms. LaPierre seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

Board members reviewed staff recommendations for expanding the Application Review Matrix. Mr. Kirschner stated that the matrix allows staff to approve certain applications that might otherwise require an Informal Fact-Finding conference (IFF). Mr. Kirschner summarized the proposed changes. Mr. Kirschner stated that staff believe these changes will reduce the number of licensing IFFs by 30-40%, allowing those individuals to enter the workforce and pursue their careers much faster. Mr. Melis commented that the agency has only eight licensure denials in the last year due to criminal convictions.

**Guidance  
Document –  
Application  
Review Matrix  
Revisions**

Mr. Quesenberry moved to adopt the proposed changes to the Application Review Matrix Guidance Document. Ms. LaPierre seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

Mr. Kirschner informed the Board that the Guidance Document pertaining to credits/hours awarded to transfer students was no longer needed due to the fast track regulatory change effective March 7, 2022. Mr. Kirschner stated that the Board would need to vote to repeal the Guidance Document.

**Guidance  
Document Repeal  
– Awarding Credit  
for Transfer  
Hours**

Ms. LaPierre moved to repeal the Guidance Document. Mr. Mayes seconded the motion which was unanimously approved by members: Acosta, Dang, Gayot. LaPierre, Mayes, Quesenberry Roberts and Smith.

**NEW BUSINESS**

Mr. Kirschner stated that the agenda item regarding language barriers during the disciplinary process was to address concerns Mr. Machayo expressed at the January 10 Board meeting. Mr. Kirschner affirmed that there are resources for translation at each step of the disciplinary process. The Adjudication team uses a phone translation service, as well as in person translators when needed. Mr. Kirschner also stated that translators are provided at Board meetings when requested.

**Addressing  
Language Barriers  
During  
Disciplinary Cases**

Mr. Gayot expressed concerns with cosmetologists practicing face shaving, as they are not trained like barbers. Mr. Kirschner confirmed that the statutory language for cosmetologist states “can shave hair.” The regulatory requirement is that the licensee must be “competent by training.” Mr. Kirschner added that face shaving could be added to training requirements by a regulatory change.

**Discussion**

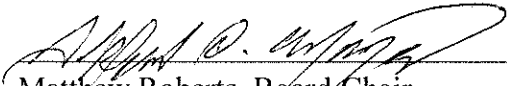
Mr. Kirschner reported that SB 544, which would have required a limit of 1000 training hours for cosmetologists. The bill passed the Senate and sub-committee, but did not pass the full committee. Mr. Kirschner stated that the Standing Committee on Training would need to refocus on the number of training hours, and that the General Assembly would like to see a compromise.

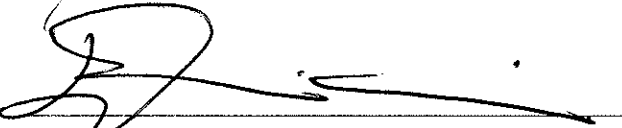
Mr. Gayot inquired about unlicensed barber activity. Mr. Kirschner explained that the agency has a compliance approach to unlicensed activity, in that if a person is practicing without a license, the agency will work to bring that person into compliance. If the person does not comply, a criminal investigations case can be compiled by the Department and referred to local prosecutors. Mr. Kirschner explained that investigations are complaint driven. Mr. Melis commented that moving to proactive investigations can be quite expensive, which may in turn result in increased fees. He stated that reports of unlicensed activity can also be brought to the attention of the Commonwealth’s Attorney.

Mr. Melis spoke to the Board regarding the new Administration’s objectives, stating that Governor Youngkin is focused on regulatory reduction, and ensuring that all regulations are for the health, safety and welfare of the citizens, and that DPOR is a vital piece to increasing the workforce. Mr. Melis also touched on areas of the agency he is focused on such as improved customer service, improved IT services, and filling vacancies.

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 10:55 p.m.

**Adjourn**

 for Matthew Roberts  
Matthew Roberts, Board 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: Gilda Acosta
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022

5. I have a personal interest in the following transaction:

n/a

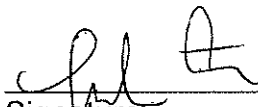
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I **do not** have a personal interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

3/14/22  
\_\_\_\_\_  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Lonnie Quesenberry
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

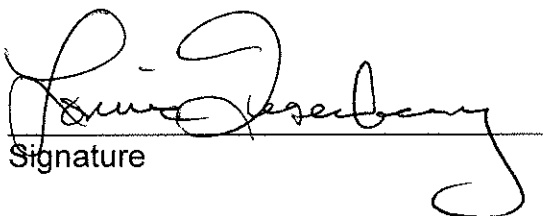
\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I **do not** have a personal interested in any transactions taken at this meeting.

  
Signature

3-14-22  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Renee' Gilanshah
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I **do not** have a personal interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

3/14/22  
\_\_\_\_\_  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Matthew D. Roberts
2. Title: Board Chair
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022

5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

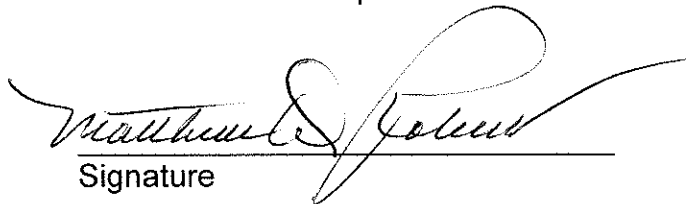
\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I **do not** have a personal interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

3-14-22  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Emmanuel Gayot
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. ~~5~~ I **do not** have a personal interest in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Sandra G. Smith
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022

5. I have a personal interest in the following transaction:

NA

Nature of Personal Interest Affected by Transaction: NA

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

NA

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I do not have a personal interested in any transactions taken at this meeting.

Sandra G Smith  
Signature

3/14/2022  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Margaret B LaPierre
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I **do not** have a personal interested in any transactions taken at this meeting.

Margaret B LaPierre  
Signature

3/14/2022  
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Oanh Pham Kim "Tina" Dang
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022

5. I have a personal interest in the following transaction:

N/A

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Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

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

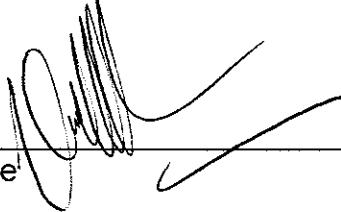
N/A

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- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I **do not** have a personal interested in any transactions taken at this meeting.

Signature



Date

3/14/2022



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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Alfred O. Mayes
2. Title: Board Vice-Chair
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: March 14, 2022
5. I have a personal interest in the following transaction:

\_\_\_\_\_

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6.  I **do not** have a personal interested in any transactions taken at this meeting.

  
\_\_\_\_\_  
Signature

3/14/22  
\_\_\_\_\_  
Date