BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, July 11, 2022, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia. The following board members were present:

Gregory Edwards
Emmanuel Gayot
Oanh "Tina" Dang
Margaret LaPierre
Marques Blackmon
Claudia Espinoza
Matthew Roberts
Sandra Smith

The following board member was not present:

Renee' Gilanshah Bo Machayo

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

Demetrios J. Melis, Director Kishore Thota, Chief Deputy Director Stephen Kirschner, Executive Director Tamika Rodriguez, Regulatory Operations Administrator Heather Garnett, Administrative Coordinator

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 9:07 a.m.

Mr. Kirschner introduced new Board members Claudia Espinoza, Marques Blackmon, and Gregory Edwards, as well as new DPOR staff.

Mr. Kirschner informed the Board that agenda item 11, Zahra Ali Lakhani would not be considered at the meeting and that supplement fee decrease has been added to the agenda.

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The Board took the agenda under consideration.

Approval of Agenda

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

The members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the May 23, 2022, Board Meeting, and the May 26, 2022, Regulatory Advisory Committee Meeting on Cosmetology Training, under consideration.

Approval of Minutes

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

The Board members voting "yes" were Margaret LaPierre, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner presented five written communications, three of which were available in the electronic agenda the Board received in advance. The Board reviewed correspondence from (1) Matthew Shafer, Deputy Policy Director for the Council of State Governments inviting participation in the provisional review of the cosmetology interstate compact licensure; (2) Maura Scali-Sheahan Ed D, NABBA Chief Executive Officer inviting comment regarding the proposed Cosmetology Compacts; and (3) Myra Reddy, Government Affairs Director for the Professional Beauty Association regarding the FDA's approval of the use of silver nitrate; (4) John Turnage, Paul Mitchell the School of Roanoke concerning the lowering of training hours; and (5) Kalli Blackwell Peterman, General Manager, Aveda Arts & Sciences Institutes concerning training hour reductions.

Communication

Leslie Roste addressed the Board concerning the reduction in cosmetology training hours, encouraging them to focus on just what is need to ensure public safety.

Public Comment

Jonathan Melloul addressed the Board concerning the reduction in cosmetology training hours. He pointed out concerns with the Regulatory Advisory panel's work product and asked the Board to leave the hours at 1500.

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Bradley Loup addressed the Board concerning the reduction in cosmetology training hours pointing out concerns with the Regulatory Advisory Panel's work product and asking the Board to leave the hours at 1,500. Mr. Loup stated a 1000 hour cosmetology training program is not adequate.

Christine Werne addressed the Board concerning the cosmetology hours reduction, asking the Board to not include esthetics in the reduction.

Jaime Turgeon addressed the Board about the challenges involved in obtaining a new license after receiving a license under grandfather provisions. She requested a regulatory amendment for expired grandfather licenses.

Pedro Harris addressed the Board requesting business licensing inspections.

Matthew England addressed the Board concerning the cosmetology hours reduction, asking the Board to not include esthetics in the reduction. He mentioned reducing the esthetic hours will cause harm to the public.

Laura Todd addressed the Board concerning the cosmetology hours reduction, esthetic hours reductions, and stackable licensure. Reducing esthetic training hours would not allow adequate trained estheticians.

Cases

In the matter of <u>File Number 2016-03107 Ngoc Tran Thi Dang</u>, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2016-03107 Ngoc Tran Thi Dang

Ngoc Tran Thi Dang did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation which cites the following violations of the Board regulations: (Count 1) 18 VAC 41-30-280.A.3 and (Count 2) 18 VAC 41-30-280.6 violations of the Board's regulations.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes, the motion passed unanimously.

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Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the Summary of the Informal Fact-Finding Conference as the sanctions and impose the following: \$2,500 for violation Count 1; \$2,500 for violation Count 2, for a total monetary penalty of \$5,000; in addition, revocation of license for Counts 1 and 2.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes, the motion passed unanimously.

In the matter of <u>File Number 2016-03179</u>, <u>Nhu-Y Thi Nguyen</u>, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2016-03179, Nhu-Y Thi Nguyen

Nhu-Y Thi Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Smith, the Board voted to accept the recommendation in the Informal Fact-Finding Conference, (Count 1) 18 VAC 41-20-280-A.3 of this file be closed with a finding of no violation of Board Regulation.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Màrques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2016-03220</u>, <u>Thuat Thi Vo</u>, Mr. Kirschner addressed the Board members that correspondence was received late from Thuat Thi Vo's attorney, Alex Gordon, requesting a continuous until the next Board meeting on September 26, 2022 due to a scheduling conflict with the attorney.

File Number 2016-03220, Thuat Thi Vo

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

The Board members voting "yes" were Margaret LaPierre, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Claudia Espinoza, Matthew Roberts, and Sandra Smith. There were no negative votes. The motion passed unanimously.

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In the matter of <u>File Number 2021-02013</u>, My Day Nails & Spa LLC, the Board members reviewed the record of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2021-02013, My Day Nails & Spa LLC

Hue Le Hatcher and Steve Chludzinski appeared at the meeting in person and addressed the Board.

Upon motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to accept the recommendation which cites (Count 1) 18 VAC 41-20-280.4.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts which was unanimously approved.

Upon motion by Ms. LaPierre and seconded by Mr. Gayot, the Board voted to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$2,500 for the violation contained in Count 1; in addition license is placed on probation for a period of six months. Under the terms of the probation, My Day Nails & Spa LLC shall comply with quarterly inspections in order to determine that it is in compliance with all Board regulations.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2021-01501</u>, <u>Sheila Antionnette Turnage</u>, the Board members reviewed the record of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2021-01501, Sheila Antionnette Turnage

Sheila Antionnette Turnage did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Sheila Antionnette Turnage's master barber reinstatement application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

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In the matter of <u>File Number 2021-02525</u>, <u>Moises Adolfo Molina</u>, the Board members reviewed the record of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2021-02525, Moises Adolfo Molina

Moises Adolfo Molina appeared at the meeting in person and addressed the Board.

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Moises Adolfo Molina's tattoo license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2021-02531</u>, <u>Angelina Tran</u>, the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2021-02531, Angelina Tran

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

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Angelina Tran's cosmetology license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2022-00047</u>, <u>Meredith Laconda Hardy</u>, the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2022-00047, Meredith Laconda Hardy

Meredith Laconda Hardy appeared at the meeting in person and addressed the Board.

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the recommendation in the Summary of the Informal Fact-

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Finding Conference and approve Meredith Laconda Hardy's barber renewal application and barber shop license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2021-02793</u>, <u>Adrian Delvackeyo Jubilee</u>, the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2021-02793, Adrian Delvackeyo Jubilee

Adrian Delvackeyo Jubilee did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Adrian Delvackeyo Jubilee's barber license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of <u>File Number 2022-00682</u>, <u>Antonio LaRon Williams</u> the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2022-00682, Antonio LaRon Williams

Antonio LaRon Williams did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Antonio Williams' tattooer license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

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Ms. Rodriguez provided a report on exams and will have the June public school results available at the September 26, 2022, Board Meeting.

EXAMINATIONS Statistics

Mr. Kirschner provided an update on PSI computer based testing (CBT). Mr. Kirschner stated PSI uses CBT testing for the public school theory portion of the exam, including on-site testing, special event testing, as well as the testing centers. Mr. Kirschner reported public school testing is complete and will have the results at the September 26, 2022 Board Meeting.

Report on Examinations

Mr. Kirschner introduced Shannon Webster, DPOR Workforce Developer and Director of Exams.

Mr. Kirschner provided a response letter from PSI regarding vendor exam scheduling complaints and practical exam availability.

The Board discussed the candidate application procedure for PSI.

Exam Vendor Contract

Mr. Kirschner stated that the PSI contract is in the fourth year. Mr. Kirshner explained the exam procurement and transitioning process and recommended that the Board should discuss the vendor contract during future scheduled Board meetings.

REGULATORY ACTION AND BOARD GUIDANCE

Mr. Kirschner stated that the Board Regulatory Review Committee will look at the current regulations to decrease unnecessary burdens within the regulations by 25%.

Regulatory Report

Ms. Rodriguez provided a report on current regulatory actions. She stated the Tattoo & Body Piercing Regulations were in the final stage at the governor's office. The amendment to the instructor training program is the proposed stage at the Governor's office. The two fast-track regulations regarding the facility bathroom requirement and eliminating the anti-bacterial soap requirement from the regulations were at the Department of Planning on Budget.

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Ms. Rodriguez informed the Board the proposed regulatory change for facility bathroom requirement should be revised. During the Department of Planning and Budget review, staff discovered unintended consequences that may inadvertently cause some facilities to fall out of compliance. To ensure currently complaint facilities remain in compliance with the amended regulations, new language was proposed.

Fast-Track
AmendmentBathroom
Requirements for
Facilities

"For facilities newly occupied after January 1, 2017, the bathroom shall either be exclusively for clients' use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use, within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter."

Upon a motion by Ms. LaPierre, and seconded by Mr. Edwards, moved to adopt the changes to the proposed language.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner presented the Board with the Regulatory Advisory Panel's data and analysis for reducing the cosmetology training hours. Mr. Kirschner provided three options for reducing the cosmetology training hours to better reflect the minimum needed to achieve competency in cosmetology.

Cosmetology
Training Hours

The Board discussed reducing the cosmetology training hours.

Upon a motion by Mr. Edwards, and seconded by Ms. LaPierre, the Board moved to adopt reducing cosmetology training hours to 1,000 hours.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Claudia Espinoza, and Matthew Roberts.

The Board members voting "no" were, Oanh "Tina" Dang and Marques Blackmon.

The motion was adopted.

Mr. Kirschner reminded the Board about the May 23, 2022 the Board meeting discussion on expired grandfathered licenses. The Board considered regulatory language allowing individuals who obtained a license under a grandfathering

Expired Grandfathered Licenses Board for Barbers and Cosmetology Minutes of Meeting July 19, 2022 Page 10 of 11

provision eligibility for a new license. The individual must demonstrate five years of licensed practice in the profession.

Upon a motion by Ms. LaPierre, seconded by Ms. Dang, the Board moved to adopt the proposed regulatory change regarding expired grandfathered licenses.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

NEW BUSINESS

Mr. Kirschner informed the Board staff will conduct unannounced site inspections on new and existing schools.

School Inspections

Mr. Kirschner requested Board volunteers for the Regulatory Review Committee. This committee will review all regulations to determine the least restrictive means in each profession. The Regulatory Review Committee will meet after the Board meetings.

Regulatory
Review Committee

Mr. Kirschner informed the Board that elections will need to be held. The Board agreed by consensus to elect board member at the September 2022, Board Meeting.

Other Business

Mr. Blackmon would like to discuss the sponsor/apprentice ratio within the apprenticeship program. Mr. Kirschner stated staff can draft a proposal for the September 26, 2022 Board meeting.

Mr. Edwards would like to discuss requirement for criminal conviction reporting. Mr. Kirschner will collect data and present information at the September 26, 2022 Board meeting.

Mr. Kirschner stated the temporary fee reduction is set to expire on August 31, 2022. Mr. Kirschner presented the Department's recommended fee decrease for two years from September 1, 2022 to August 31, 2024.

Temporary Fee Reduction

Upon a motion by Mr. Edwards, and seconded by Mr. Gayot, the Board voted to initiate the temporary fee reduction for an additional two years.

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The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 12.09 p.m.

Adjourn

Matthew Roberts, Board Chair

Matthew Roberts, Board Chair

Demetrios J. Melis, Board Secretary

1.	Name:	Sandra Smith	
2.	Title:	Board Member	
3.	Agency:	Board for Barbers and Cosmetology	
4.	Meeting/IFF Date:	July 11, 2022	
5.	I have a personal interest in the	ne following transaction:	
	na		
	Nature of Personal Interest Affected by Transaction:		
I declare that I am a member of the following business, profession, occupation group, the members of which are affected by the transaction:			
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
3.1	I do not have a personal in	nterested in any transactions taken at this meeting.	
	Janelia Jawa Signature	7/11/2022 Date	

1.	Name:	Gregory Edwards	
2.	Title:	Board Member	
3.	Agency:	Board for Barbers and Cosmetology	
4.	Meeting/IFF Date:	July 11, 2022	
5.	Nature of Personal Interest Affected by Transaction:		
I declare that I am a member of the following business, profession, occupat group, the members of which are affected by the transaction:			
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
3.	I do not have a personal i	interested in any transactions taken at this meeting.	
	Signature	Date // July 12	

1.	Name:	Margaret B. LaPierre	
2.	Title:	Board Member	
3.	Agency:	Board for Barbers and Cosmetology	
4.	Meeting/IFF Date:	July 11, 2022	
5.	I have a personal interest in the	ne following transaction:	
	Nature of Personal Interest Affected by Transaction:		
		of the following business, profession, occupation or are affected by the transaction:	
	I am able to participate in interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the transaction.		
6.	□ I do not have a personal i	nterested in any transactions taken at this meeting.	
(<u>Margaret Bhat</u> Signature	Pierre 7/11/2022 Date	

1.	Name:	Matthew D. Roberts	
2.	Title:	Board Chair	
3.	Agency:	Board for Barbers and Cosmetology	
4.	Meeting/IFF Date:	July 11, 2022	
5.	5. I have a personal interest in the following transaction:		
	Nature of Personal Interest Af	fected 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:			
	·	n this transaction fairly, objectively, and in the public	
	interest. or		
	☐ I did not participate in the	e transaction.	
6	I do not have a personal in	nterested in any transactions taken at this meeting.	
-			
<u></u>	mouther Robert	7-11-22	
•	Signature	Date	

1.	Name:	Claudia Espinoza	
2.	Title:	Board Member	
3.	Agency:	Board for Barbers and Cosmetology	
4.	Meeting/IFF Date:	July 11, 2022	
5.	I have a personal interest in the following transaction:		
	Nature of Personal Interest Af	fected by Transaction:	
I declare that I am a member of the following business, profession, occupation group, the members of which are affected by the transaction:			
	I am able to participate in interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
3.	☐ I do not have a personal in	nterested in any transactions taken at this meeting.	
	Signature 4	07/11/2022 Date	

1.	Name:	Oanh Pham Kim "Tina" Dang	
2.	Title:	Board Member	
3.	Agency:	Board for Barbers and Cosmetology	
4.	Meeting/IFF Date:	July 11, 2022	
5.	I have a personal interest in the following transaction: \(\sum / \beta \) Nature of Personal Interest Affected by Transaction:		
	group, the members of which	of the following business, profession, occupation or are affected by the transaction:	
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the transaction.		
6.	d I do not have a personal in	nterested in any transactions taken at this meeting.	
	Signature	7/11/2012.	

1.	Name:	Marques Blackmon	
2.	Title:	Board Member	
3.	Agency:	Board for Barbers and Cosmetology	
4.	Meeting/IFF Date:	July 11, 2022	
5.	I have a personal interest in the	I have a personal interest in the following transaction:	
	Nature of Personal Interest A	ffected 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:		
	· · · · · · · · · · · · · · · · · · ·	n this transaction fairly, objectively, and in the public	
	interest. or		
	☐ I did not participate in the	e transaction.	
6.	I do not have a personal interested in any transactions taken at this meeting.		
	n Da	/ /	
	14/12	7/11/22	
	Signature //	Date '	

1.	Name:	Emmanuel Gayot		
2.	Title:	Board Member		
3.	Agency:	Board for Barbers and Cosmetology		
4.	Meeting/IFF Date:	July 11, 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 interest. or □ I did not participate in the 	this transaction fairly, objectively, and in the public transaction.		
3.	I do not have a personal in Signature	nterested in any transactions taken at this meeting. Tilly Today Date Today		