

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, July 30, 2007, 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
Gloria L. Howard-Seldon
Lonnie E. Quesenberry
L. Saphonia Gee
Laura A. Todd
Jessica B. Weaver

The following members were absent:

Janet E. Girardi
Virginia L. Sanders
Hien H. Do
Algie T. Howell III

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

Jay W. DeBoer, Director
Karen W. O'Neal, Deputy Director of LRD
Nick A. Christner, Deputy Director for Compliance & Investigations
William H. Ferguson, II, Executive Director
Zelda D. Williams, Board Administrator
Earlyne B. Perkins, Legal Analyst
Sharon M. Sweet, Director of Education & Examinations
Tamika Watson, 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 **Call to Order** the meeting to order at 9:15 a.m.

Upon a motion by Mr. Anders and seconded by Ms. Todd the Board **Approval of Agenda** voted to adopt the agenda as written.

The members voting 'yes' were Mr. Anders, Ms. Howard-Seldon, Ms. Gee, Ms. Todd, 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

Neil Strecker, Director of Yvonne De Vilar Scientific Skin Care, addressed the Board on the Esthetics Regulations, approved of regulations & suggested possible revisions and offered to assist.

April Coleman, Yvonne De Vilar Scientific Skin Care, addressed the Board on medical personnel performing esthetics services. Supports Esthetics regulations as stands.

Natasha Smith, Yvonne De Vilar Scientific Skin Care, addressed the Board on disappointment of esthetics regulations not being finalized by July 1, 2007. Supports regulations.

Jenna Hollingsworth, Virginia Institute of Esthetics, addressed the Board in favor of Esthetics regulations.

Lizanne Furrow, Angel Touch Electrolysis & Skin Spa, addressed the Board on grandfathering for estheticians, although she is qualified in every area, she asked the board to take into consideration applicants who do not have training and experience in all areas.

Samina Neels, Yvonne De Vilar Scientific Skin Care, addressed the Board in favor of Esthetics licensing and in support of hours requirement for advanced procedures.

Sandra Shaw, Institute of Health and Healing, addressed the Board on support of bill and implementation of regulations as soon as possible.

Christine Gordon, Graham Webb Academy (owner), addressed the Board on her students having to travel to DC to become licensed in Esthetics to be able to work in salons in Virginia. Pledged any resources she has available to the Board.

This ends the public comment.

Upon a motion by Mr. Anders and seconded by Ms. Howard-Seldon, the Board voted to approve the minutes of the:

April 30, 2007 Board for Barbers and Cosmetology board meeting,
May 24, 2007 Informal Fact-Finding Conference,
May 31, 2007 Informal Fact-Finding Conference,
June 21, 2007 Informal Fact-Finding Conference, and the

**Approval of
Minutes for
April 30, 2007
Board Meeting,
May 24, 2007 IFF,
May 31, 2007 IFF,
June 21, 2007 IFF,**

June 28, 2007 Informal Fact-Finding Conference.

**and June 28, 2007
IFF**

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

In the matter of **File Number 2007-01700, Board v. Minh Ngoc Tran**, the Board reviewed the record which consisted of the the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Minh Ngoc Tran addressed the Board via speakerphone.

**File Number
2007-01700, Tran,
Minh Ngoc**

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Todd, the Board adopted the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary and found substantial evidence that Minh Ngoc Tran violated the following section of its Regulations.

Effective July 2, 2002

Count 1: 18 VAC 41-20-280 A 3

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

Upon a motion by Mr. Howell and seconded by Ms. Sanders the Board voted to impose the following monetary penalty and sanction:

Count 1:	18 VAC 41-20-280.A.4	\$2,500.00
In addition for violation of Count 1, the Board imposed revocation of license number 1206 013543.		

TOTAL.		\$2,500.00

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

Mr. Quesenberry left the meeting. Ms. Howard-Seldon assumed the chair.

Transfer of Chair

In the matter of **File Number 2007-02589, Board v. Happy Nails**, the Board reviewed the record, which consisted of the Consent Order and

**File Number
2007-02589, Happy**

Report of Findings. Happy Nails did not appear at the meeting in **Nails.** person, by counsel, or by any other qualified representative.

By signing the Consent Order, Happy Nails acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings. Happy Nails consents to the following term(s):

Count 1	18VAC41-20-260.B	\$1,500.00		
Happy Nails also agrees to pay Board costs in the amount of:		\$ 150.00		

TOTAL		\$1,650.00		

In addition, for violation of Count 1, Happy Nails agrees to the Board's agent conducting a re-inspection of the salon to determine that the salon is not exceeding the scope of its license and is using properly licensed technicians in accordance with the Board's regulations. This inspection is to be performed within ninety (90) days of the effective date of this order.

Upon a motion by Ms. Gee, and seconded by Mr. Anders, the Board voted to accept the Consent Order.

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

As Board Member participating in the negotiation of the Consent Order, Mr. Quesenberry was not present during the discussion or vote.

Mr. Quesenberry returned to the meeting and assumed chair.

Transfer of chair,
Mr. Quesenberry

Ms. Howard-Seldon left the meeting

Ms. Howard-Seldon

In the matter of **File Number 2007-03633, Board v. Supercuts #90186** the Board reviewed the record, which consisted of the Consent Order and Report of Findings. Supercuts #90186 did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-03633 Supercuts #90186

By signing the Consent Order, Supercuts #90186 acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Supercuts #90186 consents to the following term(s):

Count 1:	18VAC41-20-260.A	\$ 250.00		
Count 2:	18VAC41-20-260.B	\$ 500.00		
Count 3	18VAC41-20-270.G.1.	\$ 50.00		
Count 4:	18VAC41-20-270.B.1.	\$ 100.00		
Supercuts #90186 also agrees to pay Board costs in the amount of:		\$ 150.00		

TOTAL		\$1,050.00		

Upon a motion by Mr. Anders, and seconded by Ms. Weaver, the Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Gee, Ms. Todd, Mr. Quesenberry and Ms. Weaver. There were no negative votes. The motion passed unanimously.

As Board Member participating in the negotiation of the Consent Order, Ms. Howard-Seldon was not present during the discussion or vote.

Ms. Howard-Seldon returns to meeting

Ms. Howard-Seldon

In the matter of **File Number 2007-04687, Board v. EJ Brown Hair Salon**, the Board reviewed the record, which consisted of the Consent Order and Report of Findings. EJ Brown Hair Salon did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-04687, EJ Brown Hair Salon

By signing the Consent Order, EJ Brown Hair Salon acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings. EJ Brown Hair Salon consents to the following term(s):

Count 1:	18VAC41-20-280.C.2	\$1,000.00
EJ Brown Hair Salon also agrees to pay		\$ 150.00

Board costs in the amount of:

TOTAL	----- \$1,150.00
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Upon a motion by Ms. Howard-Seldon, and seconded by Mr. Anders, the Board voted to accept the Consent Order.

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

In the matter of **File Number 2007-04298, Board v. Modlin, David**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Modlin did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-04298, Modlin, David

Upon a motion by Ms. Howard-Seldon, and seconded by Ms. Todd, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Mr. Modlin's cosmetologist license application.

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

In the matter of **File Number 2007-04403 Board v. Riley, Anthony**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Riley did not appear at the meeting in person, by counsel, or by any other qualified representative

File Number 2007-04403, Riley, Anthony

Upon a motion by Ms. Howard-Seldon, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Anthony Riley's license application.

The members voting 'yes' were Mr. Anders, Ms. Howard-Seldon, Ms. Gee, Ms. Todd and Ms. Weaver. The member voting 'no' was Mr. Qusenberry. The motion passed by majority

In the matter of **File Number 2007-04816, Board v. Pearson Jr, Emmitt** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal

File Number 2007-04816, Pearson Jr, Emmitt

Fact-Finding Conference. Mr. Pearson did not appear at the meeting in person, by counsel, or by any other qualified representative.

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

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

In the matter of **File Number 2007-04971, Board v. Hunter III, Otis Duke** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Hunter appeared at the board meeting and addressed the Board

File Number 2007-04971, Hunter III, Otis Duke

Upon a motion by Ms. Howard-Seldon, and seconded by Ms. Todd, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Mr. Hunter's license application.

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

In the matter of **File Number 2007-04972, Board v. Strauss, Lawrence Frank** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Strauss, appeared at the board meeting and addressed the Board.

File Number 2007-04972, Strauss, Lawrence Frank

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 approve Mr. Strauss's license application.

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

In the matter of **File Number 2007-04973, Board v. Body of Xpression** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal

File Number 2007-04973 Body of Xpression

Fact-Finding Conference. Mr. Strauss appeared at the board meeting and addressed the Board.

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Weaver, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Body of Xpression license application.

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

The Board took under consideration the National-Interstate Council of State Boards of Cosmetology's (NIC) esthetician written and practical examinations and master esthetician written examination.

Examinations

Ms. Gee expressed that practical examinations are the best means to protect the public. That if a practical exam is the best means to determine competency for the esthetician license then logically a practical examination is the best means to determine competency for the master esthetician license.

Upon a motion by Ms. Todd and seconded by Ms. Gee the Board approved the National-Interstate Council of State Boards of Cosmetology's (NIC) esthetician written and practical examinations and master esthetician written examination.

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

Esthetics Regulations – Board was informed that the esthetics regulations were in Executive Review, that the Department of Planning and Budget (DPB) had questions and that board members and staff had met with DPB to address their questions.

Esthetics Regulations

Lonnie Quesenberry and Laura Todd will represent the Board at the National-Interstate Council of State Boards of Cosmetology (NIC) 2007 annual conference August 25-27, 2007, in Rapid City, South Dakota. Zelda Williams will attend the NIC Board Administrators meeting held in conjunction with the annual conference.

Conferences

Jessie Anders will represent the Board at the National Association of Barber Boards of America 2007 annual conference September 15-20, 2007, in Orlando, Florida.

Information flyers were given on directions to new location


**New Location of
DPOR**

The next Board meeting is scheduled for November 5, 2007

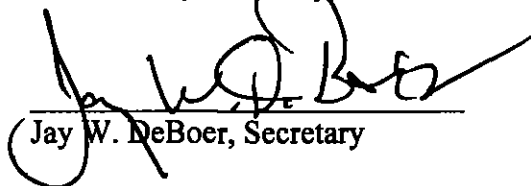
Next Board Meeting

There being no other business to be brought before the Board, the meeting adjourned at 10:50 a.m.

Adjourn



Lonnie E. Quesenberry, Chair



Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of the Records

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

TRANSACTIONAL DISCLOSURE STATEMENT

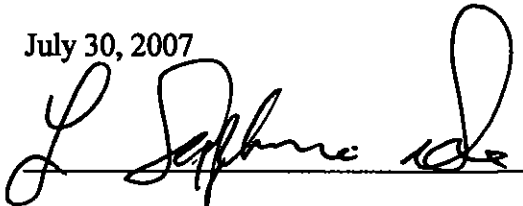
1. Name: Lakeisha Saphonia Gee
2. Title: Member– Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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.

Dated: July 30, 2007

Signature:



A handwritten signature in black ink, appearing to read 'L. Saphonia Gee', is written over a horizontal line.

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Gloria L. Howard-Seldon
2. Title: Vice Chair- Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: 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.

Dated: July 30, 2007

Signature: _____

Gloria L. Howard-Seldon

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

TRANSACTIONAL DISCLOSURE STATEMENT

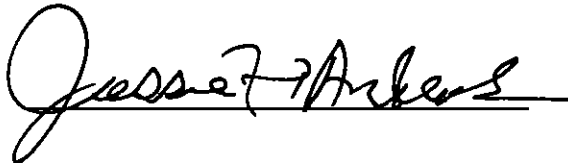
1. Name: Jessie Harold Anders
2. Title: Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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.

Dated: July 30, 2007

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Jessica B. Weaver
2. Title: Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: 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.

Dated: July 30, 2007

Signature: J. Weaver

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

TRANSACTIONAL DISCLOSURE STATEMENT

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

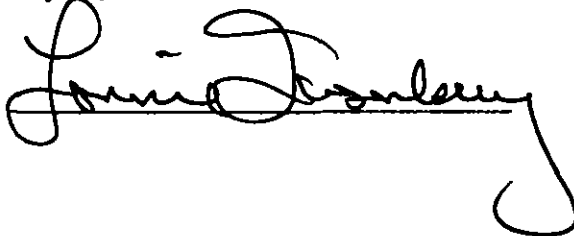
6. I declare that:

(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.

Dated: July 30, 2007

Signature:

A handwritten signature in black ink, appearing to read "Lonnie E. Quesenberry", written over a horizontal line. The signature is cursive and extends below the line with a large loop.

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Laura Anne Todd
2. Title: Member – Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: 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.

Dated: July 30, 2007

Signature: _____
