

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met at 9:00 a.m. on Monday, September 30, 2024, at the Department of Professional and Occupational Regulation Offices, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Margaret B. LaPierre
Gregory Edwards
Oanh “Tina” Pham Kim Dang
Kailey Blakeney
Emmanuel Gayot
Claudia Espinoza
Marques Blackmon

The following board members were not present:

Bo Machayo
Shauna Powell
Kimberly Lewis

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

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

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

Ms. LaPierre, Board Chair, determined a quorum was present and called the meeting to order at 9:16 a.m.

CALL TO ORDER

Ms. LaPierre 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 2.

**EMERGENCY
EGRESS**

Ms. Smith reintroduced Brian Wolford, DPOR Director and Jeb Wilkinson, DPOR new Special Assistant to the Director.

**INTRODUCTION
OF AGENCY
STAFF**

The Board took the agenda under consideration.

**APPROVAL OF
AGENDA**

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

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

The Board took the minutes of the Board meeting on July 8, 2024, Public Hearing on July 15, 2024, and Regulatory Review Committee meeting on August 6, 2024, under consideration.

**APPROVAL OF
MINUTES AS A
BLOCK**

Mr. Edwards motioned to approve the minutes, seconded by Mr. Blackmon.

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

Ms. LaPierre read the resolution of Matthew Roberts.

RESOLUTIONS

Commonwealth of Virginia



Department of Professional and Occupational
Regulation
Board for Barbers and Cosmetology
Resolution To

Matthew D. Roberts

WHEREAS, Matthew D. Roberts faithfully and diligently served as a member of the Virginia Board for Barbers and Cosmetology from 2018 to 2024; and

WHEREAS, Matthew D. Roberts has given generously of his knowledge, time, and talent to the Board, including serving as the Board's Chair and Vice Chair, a member of the Board's Standing Committee on Training, the Board's School Transfer Committee, the Board's Examination Committee, the Board's Regulatory Advisory Committee on Cosmetology Training, the Board's Regulatory Review Committee, as well as, chairing numerous Informal Fact-finding Conferences, and providing expertise to the Board as needed; and

WHEREAS, Matthew D. Roberts endeavored always to protect the health, safety, and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

WHEREAS, the Board for Barbers and Cosmetology acknowledges its gratitude and deepest appreciation for the devoted service of Matthew D. Roberts who is highly regarded by the members of the Board and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board for Barbers and Cosmetology this thirtieth day of September, in the year two-thousand and twenty-four, that Matthew D. Roberts be given all honors and respect due for his outstanding service to the Commonwealth, its citizens, and the Board for Barbers and Cosmetology; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

Board member Mr. Gayot arrived at 9:22 a.m.

**Board Member
Arrival**

Commonwealth of Virginia



Department of Professional and Occupational
Regulation
Board for Barbers and Cosmetology
Resolution To

Sandra G. Smith

WHEREAS, Sandra G. Smith faithfully and diligently served as a member of the Virginia Board for Barbers and Cosmetology from 2020 to 2024; and

WHEREAS, Sandra G. Smith has given generously of her knowledge, time, and talent to the Board, including serving as a member of the Board's Standing Committee on Training, and providing expertise to the Board as needed; and

WHEREAS, Sandra G. Smith endeavored always to protect the health, safety, and well-being of the public by rendering fair and wise decisions, which were in the best interest of the Board and the Commonwealth's citizens; and

WHEREAS, the Board for Barbers and Cosmetology acknowledges its gratitude and deepest appreciation for the devoted service of Sandra G. Smith who is highly regarded by the members of the Board and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board for Barbers and Cosmetology this thirtieth day of September, in the year two-thousand and twenty-four, that Sandra G. Smith be given all honors and respect due for her outstanding service to the Commonwealth, its citizens, and the Board for Barbers and Cosmetology; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The Board agreed to these resolutions by consensus.

Ms. LaPierre called the Boards attention to the communications found in the electronic agenda and from Janet Awkard-Rogers and NEHA Body Art Newsletter.

COMMUNICATIONS

There were no questions nor discussion from the Board.

Ms. LaPierre opened the floor for public comment.

**PUBLIC
COMMENT**

Matt England addressed the board with concerns on the esthetics RAP to create a 900 hour training program. Mr. England stated that some of the panel participants did not complete the survey, the Board should be given all survey scores and discussion, and there was not a discussion on administrative hours. The current 600 hour training program is not enough time, reducing hours will hurt the health, safety and welfare of the public.

Laura Todd addressed the Board with concerns on regulations of soaking instruments for 10 mins. Soaking longer than manufacturers recommendation may damage tool, could a disinfectant wipe be used? Could another material rather than sterile cotton be used? Reduction of esthetic training hours give less time for administrative duties.

CASES

Consent Order

In the matter of File Number **2024-01755, Borte Ink Studio LLC**, Board members reviewed the Consent Order and report of findings.

**File Number 2024-
01755, Borte Ink
Studio LLC**

A Borte Ink Studio LLC representative did not appear at the meeting in person, by counsel, or by any of other qualified representative.

Mr. Edwards motioned to adopt the Consent Order, seconded by Ms. Espinoza.

There was no Board discussion.

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

The violations were:

Count 1:	18 VAC 41-50-410.F	\$450.00
Sub-total		\$450.00
Board Costs		\$ 150.00
Total		\$600.00

In the matter of File Number **2024-02312, Farri Ighani**, Board members reviewed the Consent Order and report of findings.

File Number 2024-02312, Farri Ighani

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

Mr. Edwards motioned to adopt the Consent Order, seconded by Ms. Espinoza.

There was no Board discussion.

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

The violations were:

Count 1:	18 VAC 41-50-420.4	\$1,250.00
Count 2:	18 VAC 41-50-410.A	\$ 50.00
Count 3:	18 VAC 41-50-410.B	\$ 300.00
Count 4:	18 VAC 41-50-410.E	\$ 350.00
Sub-total		\$1,950.00
Board Costs		\$ 150.00
Total		\$2,100.00

Licensing

In the matter of File Number **2024-02349, Edward Watson**, 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 2024-02349, Edward Watson

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

Mr. Edwards motioned to accept the recommendation and approve Edward Watson’s application for barber license, seconded by Mr. Blackmon.

There was no Board discussion.

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

In the matter of File Number **2024-02074, Luis Gerena**, 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 2024-02074, Luis Gerena

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

Mr. Edwards motioned to accept the recommendation and approve Luis Gerena’s application for barber license, seconded by Mr. Gayot.

There was no Board discussion.

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

In the matter of File Number **2024-02327, George Selleck**, 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 2024-02327, George Selleck

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

Mr. Edwards motioned to accept the recommendation and approve George Selleck’s application for tattooer license, seconded by Ms. Dang.

There was no Board discussion.

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

Disciplinary

In the matter of File Number **2023-01791, Oualid Tavari t/a Willys Barbershop & Hair Stylist**, Board members reviewed the record of the

File Number 2023-01791, Oualid Tavari

Informal Fact-Finding Conference which consisted of the transcript, investigative file, report of findings, and exhibits.

t/a Willys
Barbershop & Hair
Stylist

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

Mr. Edwards motioned to accept the recommendation which cites a violation for Count 1 and Count 2, seconded by Mr. Blackmon.

There was no Board discussion.

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

Mr. Edwards motioned to accept the recommended sanctions for Count 1 and Count 2, seconded by Mr. Blackmon.

There was no Board discussion.

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

The violations and sanctions were:

Count 1:	18 VAC 41-20-280.4	\$ 250.00
Count 2:	18 VAC 41-20-280.4	\$2,500.00
Total		\$2,750.00

In addition, the Board also imposed:

For violation of Count 2, the Board placed Oualid Tayari’s license on probation for a period of 12 months. The terms of the probation shall be: Oualid Tayari must submit a quarterly statement which indicates Oualid Tayari is complying with all the Board’s regulations and further includes a list of all current employees and their license numbers as well as current apprentice name at the time each statement is submitted.

REPORTS

Ms. Duncan called the Boards attention to the examination statistics that was provided in the electronic agenda.

Examination
Statistics

The Board requested to add private school statistics to the report.

Ms. Rodriguez presented the regulatory report that was provided in the electronic agenda.

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.

Executive Director Report

The Board and Ms. Smith discussed the statistics of disciplinary cases, disciplinary cases are not increasing significantly.

OLD BUSINESS

Ms. Smith informed the Board through the RFP process the new exam vendor selected is Prov, with the continued use of the NIC examinations. Prov will start on January 1, 2025. Board staff, exam department, and Prov will meet on November 21, 2024, with public and private schools.

Exam Contract

There was no Board discussion.

Ms. Smith stated at the July 8, 2024, the Board initiated revising the definitions of cosmetologist and cosmetology which was referred to the Regulatory review Committee, who met on August 6, 2024. The Committee, after significant discussion, proposed the following language for the Board's adoption:

Revising the Definitions of Cosmetologist and Cosmetology

"*Cosmetologist*" means any person who administers ~~cosmetic treatments~~ hair removal, basic facial treatments to enhance or improve the appearance and/or care of the skin, using lotions, oils, cleansers, or other preparations by manual practices only; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cuts, shapes, singes, waxes, tweezes, ~~shaves~~, trims, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation. The term "cosmetologist" shall not include hair braiding upon human hair, or a wig or hairpiece.

"*Cosmetology*" includes, but is not limited to, the following practices: ~~administering cosmetic treatments~~ administering hair removal, basic cleansing facial treatments to enhance or improve the appearance and/or care of the skin

and only includes a cleanse, tone, application of a mask and/or moisturizer; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cutting, shaping, singeing, waxing, tweezing, ~~shaving~~ trimming, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include hair braiding upon human hair, or a wig or hairpiece, or such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

Mr. Gayot motioned to accept the statutory definition of cosmetologist and cosmetology definitions found in Section 54.1-700 of the Code of Virginia, as proposed by the Regulatory Review Committee, seconded by Mr. Edwards.

There was no Board discussion.

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

The Regulatory Review Committee also proposed to require any cosmetologist trained in straight razor shaving prior to September 1, 2024, or who completed a 1,000 hour cosmetology curriculum containing straight razor training and would like to perform straight razor shaving after the effective date of the proposed statutory change would have to pass the Virginia barber exam and become licensed as a barber.

Board staff recommended an alternative to requiring any cosmetologist who would like to perform straight razor shaving after the effective date of any proposed statutory change to take and pass the barber exam. This alternative would allow for any trained cosmetologist to submit proof of training and simply apply for a barber license without taking the exam

Mr. Gayot motioned to accept the proposal of the Regulatory Review Committee to require any cosmetologist who would like to perform straight razor shaving after the effective date of the proposed statutory definition change be required to pass the Virginia barber exam and become a licensed barber, seconded by Mr. Blackmon.

There was no Board discussion.

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

Mr. Kirschner informed the Board the recommendation will be sent to the agency Director. The director will send the recommendation to the Cabinet Secretary for policy review. The recommendation will likely be part of the 2026 legislative package for the General Assembly.

NEW BUSINESS

Ms. Rodriguez presented additional revisions supplied in the electronic agenda, to the proposed stages of the general regulatory reviews.

Proposed Regulatory Reduction Revision

Mr. Edwards motioned to re-adopt the proposed stage of the General Review of the Barber and Cosmetology Regulations as presented, seconded by Mr. Blackmon.

There was no Board discussion.

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

Mr. Edwards motioned to re-adopt the proposed stage of the General Review of the Tattooing Regulations as presented, seconded by Mr. Blackmon.

There was no Board discussion.

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

Mr. Edwards motioned to re-adopt the proposed stage of the General Review of the Body-Piercing Regulations as presented, seconded by Mr. Blackmon.

There was no Board discussion.

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

Mr. Edwards motioned to re-adopt the proposed stage of the General Review of the Esthetics Regulations as presented, seconded by Mr. Blakeney.

There was no Board discussion.

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

Ms. Smith informed the Board EPICx will update the current licenses and case management database. Barber and Cosmetology will begin EPICx usage in late March, early April 2025. Ms. Garnett presented a demonstration instructional video of EPICx. Mr. Kirschner explained Barber and Cosmetology will have an education module within EPICx and will enable staff to provide examinations. Licensees will print their licenses, DPOR staff will no longer print licenses.

EPICx Update

Ms. Rodriguez informed the Board the public comment period on the proposed stage of the Amendment to Instructor Training Program is complete. There was one public comment.

**Amendments to
Instructor Training
Program Regulatory
Action**

Mr. Edwards motioned to adopt the proposed response to the public comment on the proposed stage of the Amendment to Instructor Training Program as presented, seconded by Ms. Dang.

There was no Board discussion.

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

Ms. Rodriguez presented the Board with final language of the Amendment to Instructor Training Program in the electronic agenda.

Mr. Edwards motioned to adopt the final language of the Amendment to Instructor Training Program as presented, seconded by Ms. Espinoza.

There was no Board discussion.

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

REMINDERS

Ms. LaPierre reminded the Board of the next board meeting scheduled for November 18, 2024, and Board Member Training Conference scheduled for October 10 and 11, 2024.

**Next Board Meeting
and New Board
Member Training
Conference**

There being no further business brought before the Board, Ms. LaPierre adjourned the meeting at 10:30 a.m.

Adjourn

Margaret LaPierre, Board Chair

Brian P. Wolford, Board Secretary

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