

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, August 3, 2009, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia. The following members were present:

Jessie H. Anders
L. Saphonia Gee
Gloria Howard-Seldon
Jonathan W. Minor
Lonnie E. Quesenberry
Virginia L. Sanders
Laura A. Todd

The following board member was not present:

Jessica B. Weaver

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

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of LRD
William H. Ferguson, II, Executive Director
Zelda Williams, Board Administrator
Cathy Clark, Administrative Assistant
Earlyne Perkins, Legal Analyst

Representative from the Office of the Attorney General was present for the meeting.

Elizabeth B. Peay

Mr. Quesenberry, Chair, determined a quorum was present and called **Call To Order** the meeting to order at 9:05 a.m.

Mr. Ferguson introduced Ms. Cathy Clark, the new Administrative Assistant for the Board for Barbers and Cosmetology. **Administrative Assistant**

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

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

Mr. Quesenberry asked if there was any public comment. There was no public comment.

Public Comment

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

**Approval of
Minutes for
May 4, 2009,
Board Meeting,
March 16, 2009,
IFF, June 3, 2009,
IFF, June 11, 2009,
IFF, June 22, 2009,
IFF, and July 23,
2009, IFF.**

May 4, 2009, Board for Barbers and Cosmetology Board Meeting
March 16, 2009, Informal Fact-Finding Conference,
June 3, 2009, Informal Fact-Finding Conference,
June 11, 2009, Informal Fact-Finding Conference,
June 22, 2009, Informal Fact-Finding Conference, and
July 23, 2009, Informal Fact-Finding Conference

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

Cases

In the matter of **File Number 2009-01607, Rendezvous Tattoo & Body Piercing**, the Board reviewed the record which consisted of the Consent Order. Rendezvous Tattoo & Body Piercing did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number
2009-01607,
Rendezvous Tattoo
& Body Piercing**

By signing the Consent Order, Rendezvous Tattoo & Body Piercing acknowledges an understanding of the charges and hereby admits to the violation of the Count 1 as outlined in the Report of Findings. Rendezvous Tattoo & Body Piercing consents to the following term(s):

Count 1:	18 VAC 41-50-420.A.7	\$ 250.00

SUB-TOTAL (MONETARY PENALTIES)		\$ 250.00
BOARD COSTS		\$ 150.00
TOTAL		\$ 400.00

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

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

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

**Mr. Quesenberry -
Transfer of Chair**

In the matter of **File Number 2009-02111, Queen Nails and Spa, Inc.**, the Board reviewed the record which consisted of the Consent Order. When the case was considered by the Board, Queen Nails and Spa, Inc. did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number
2009-02111, Queen
Nails and Spa, Inc.

By signing the Consent Order, Queen Nails and Spa, Inc. acknowledges an understanding of the charges and hereby admits to the violation of the following sections of the Regulations, as outlined in the Report of Findings. Queen Nails and Spa, Inc. consents to the following term(s):

Count 1:	18 VAC 41-20-270.E.11	\$ 50.00
Count 2:	18 VAC 41-20-270.E.16	\$ 50.00
Count 3:	18 VAC 41-20-270.F.2	\$ 50.00
Count 4:	18 VAC 41-20-270.G.1	\$ 100.00

SUB-TOTAL (MONETARY PENALTIES)	\$ 250.00
BOARD COSTS	\$ 150.00
TOTAL	\$ 400.00

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

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

As a Board representative in this case, Mr. Quesenberry was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2008-04864, Huyen T. Ho**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Huyen T. Ho did not appear at the meeting in person, but was represented by counsel, William E. Hassan, who addressed the Board.

File Number 2008-
04864, Huyen T. Ho

Upon a motion by Ms. Gee 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 of the Informal Fact-Finding Conference, and found substantial evidence that Huyen T. Ho violated the following section of its Regulations.

(Effective July 1, 2003)

Count 1: 18 VAC 41-20-280 A 4

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

Upon a motion by Ms. Gee and seconded by Mr. Minor, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanctions:

Count 1:	18 VAC 41-20-280 A 4	\$ 750.00

Total monetary penalty		\$ 750.00

In addition, the Board imposed revocation of license number 1201069178 for violation of the regulation.

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

As a Board representative in this case, Mr. Quesenberry was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2008-04865, Huyen T. Ho**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Huyen T. Ho did not appear at the meeting in person, but was represented by counsel, William E. Hassan, who did not address the Board.

File Number 2008-04865, Huyen T. Ho

Upon a motion by Ms. Todd and seconded by Ms. Gee, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Huyen T. Ho violated the following section of its Regulations.

(Effective July 1, 2003)

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

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

Upon a motion by Mr. Minor and seconded by Ms. Gee, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanctions:

Count 1:	18 VAC 41-20-280 B 3	\$ 750.00

Total monetary penalty		\$ 750.00

In addition, the Board imposed revocation of license number 1204017534 for violation of the regulation.

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

As a Board representative in this case, Mr. Quesenberry was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2008-04866, Huyen's Academy of Hair Design**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Huyen's Academy of Hair Design did not appear at the meeting in person, but was represented by counsel, William E. Hassan, who did not address the Board.

File Number 2008-04866, Huyen's Academy of Hair Design

Upon a motion by Ms. Todd and seconded by Mr. Anders, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Huyen T. Ho violated the following sections of its Regulations.

(Effective July 1, 2003)
Count 1: 18 VAC 41-20-280 B 3
Count 2: 18 VAC 41-20-240
Count 3: 18 VAC 41-20-260 A

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

Upon a motion by Ms. Todd and seconded by Ms. Gee, the Board voted to accept the recommended sanctions contained in the Summary of the

Informal Fact-Finding Conference and to impose the following sanctions:

Count 1:	18 VAC 41-20-280 B 3	\$ 750.00
Count 2:	18 VAC 41-20-240	\$ 2,500.00
Count 3:	18 VAC 41-20-260 A	\$ 150.00

Total monetary penalty		\$ 3,400.00

In addition, for Count 1, the Board imposed revocation of license number 1205001191 for violation of the regulations.

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

As a Board representative in this case, Mr. Quesenberry was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Quesenberry returned to the meeting and resumed the chair

**Mr. Quesenberry -
Transfer of Chair**

In the matter of **File Number 2009-03574, LaTonia D. Beverly**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. LaTonia D. Beverly did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2009-
03574, LaTonia D.
Beverly**

Upon a motion by Ms. Todd, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference, amend the record to reflect that the applicant applied for a cosmetologist license, not a cosmetology instructor license as indicated in the IFF Referral Memorandum, and approve LaTonia D. Beverly's license application.

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

In the matter of **File Number 2009-03912, Andrew Benjamin Chapman**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Andrew Benjamin Chapman and Julie Chapman, wife, did appear at the meeting in person and addressed the

**File Number 2009-
03912, Andrew
Benjamin
Chapman**

Board.

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

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

In the matter of **File Number 2009-04389, James Scott Rocha**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. James Scott Rocha did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2009-04389, James Scott Rocha

Upon a motion by Ms. Todd, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve James Scott Rocha's license application.

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

In the matter of **File Number 2009-04318, Thu Huong Thi Vo**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Thu Huong Thi Vo and Bebe Tran, interpreter, appeared at the board meeting and addressed the Board.

File Number 2009-04318, Thu Huong Thi Vo

Upon a motion by Ms. Todd, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Thu Huong Thi Vo's license application.

The members voting 'yes' were Ms. Gee, Mr. Minor, Mr. Quesenberry, Ms. Sanders and Ms. Todd. The members voting 'no' were Mr. Anders and Ms. Howard-Seldon. The motion passed by majority vote.

In the matter of **File Number 2009-04319, Red Nails, Inc.**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Thu Huong Thi Vo, owner, and Bebe Tran, interpreter, appeared at the

File Number 2009-04319, Red Nails, Inc.

board meeting and addressed the Board.

Upon a motion by Ms. Todd, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference, amend the record to reflect that the last sentence of the Summary of the Informal Fact-Finding Conference be changed from Thu Huong Thi Vo's application to Red Nails, Inc.'s application, and deny Red Nails, Inc.'s license application.

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

In the matter of **File Number 2009-04408, Thu Huong Thi Vo**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Thu Huong Thi Vo and Bebe Tran, interpreter, appeared at the board meeting and addressed the Board.

File Number 2009-04408, Thu Huong Thi Vo

Ms. Vo was informed that pertaining to this case, the regulation cited, 18 VAC 41-20-280 A 3 Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty. of the Board for Barbers and Cosmetology Regulations, was not the applicable regulation and that the applicable regulation was 18 VAC 41-40-260 A 3 Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty. of the Wax Technician Regulations. Ms. Vo was given the option to refer the case to an Informal Fact-Finding Conference referencing the applicable regulation or for the Board to take the application under consideration today at the board meeting. Ms. Vo informed the Board that she wanted the Board to take the application under consideration at the board meeting today.

Upon a motion by Ms. Todd, and seconded by Ms. Gee, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Thu Huong Thi Vo's license application.

The members voting 'yes' were Ms. Gee, Ms. Howard-Seldon, Mr. Quesenberry, Ms. Sanders and Ms. Todd. The members voting 'no' were Mr. Anders and Ms. Howard-Seldon. The motion passed by majority vote.

Other Board

Business

The Board was informed that a new examination contract with Professional Credential Services, Inc. (PCS) will become effective January 1, 2010.

Examination Contract

The Board was informed that in accordance with Item 475.10 B of the Appropriations Act enacted by the 2009 General Assembly, executive branch agencies shall not pay per diems to citizen members of boards effective July 1, 2009.

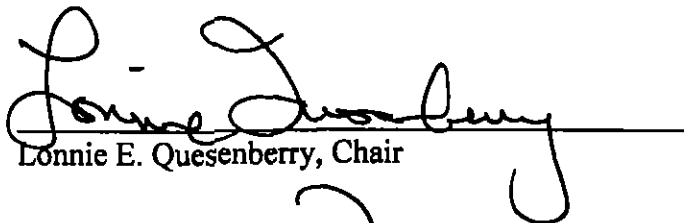
Per Diem

Board members completed "State & Local Government Conflict of Interests Act" training. Board members who completed the training were: Mr. Anders, Ms. Gee, Ms. Howard-Seldon, Mr. Minor, Mr. Quesenberry, Ms. Sanders and Ms. Todd.

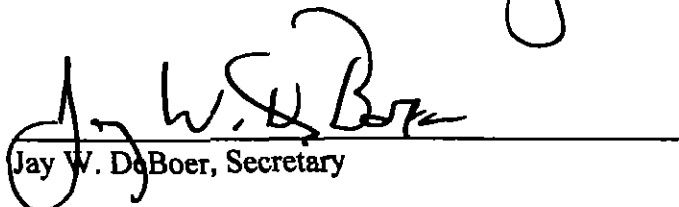
Conflict of Interest Training

There being no other business to be brought before the Board, the chairman adjourned the meeting at 12:08 p.m.

Adjourn



Lonnie E. Quesenberry, Chair



Jay W. DeBoer, Secretary

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

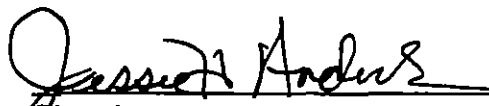
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Jessie Anders
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
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

8-3-09
Date

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

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

1. Name: L. Saphonia Gee
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

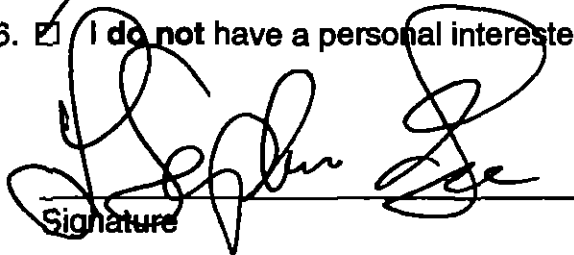
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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 interest in any transactions taken at this meeting.


Signature

8-3-09
Date

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

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

1. Name: Gloria Howard-Seldon
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
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 interest in any transactions taken at this meeting.


Signature

8-3-2009
Date

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

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

1. Name: Jonathan Minor
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
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.

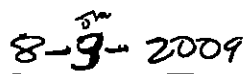
or

I did not participate in the transaction.

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



Signature



Date

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

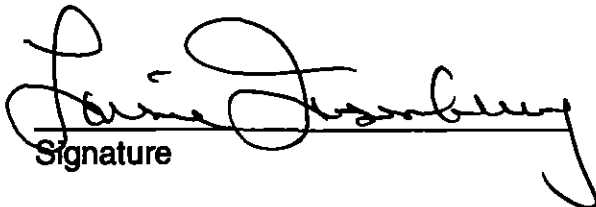
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Lonnie Quesenberry
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
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

8-3-09
Date

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

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

1. Name: Virginia Sanders
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
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 interest in any transactions taken at this meeting.

Virginia R. Sanders
Signature

8/3/09
Date

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


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

1. Name: Laura Todd
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
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 _____

8/4/09
Date _____

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

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

1. Name: Jessica Weaver
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: August 3, 2009
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 interest in any transactions taken at this meeting.

Signature

Date

BOARD FOR BARBERS & COSMETOLOGY
APPRENTICESHIP STANDARDS REVIEW COMMITTEE
MINUTES OF MEETING

The Board for Barbers & Cosmetology Apprenticeship Standards Review Committee met on Monday, August 3, 2009, 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:

Jessie H. Anders
Gloria Howard-Seldon
Jonathan W. Minor
Lonnie E. Quesenberry

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

Zelda Williams, Board Administrator
Tonie Robinson, Examinations Section

Representative from the Virginia Department of Labor and Industry present for the meeting:

Beverly Donati, Apprenticeship Program Director

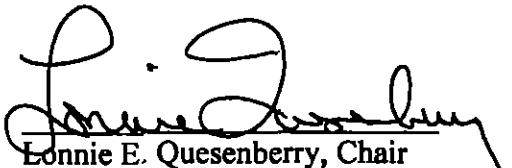
Ms. Williams called the committee meeting to order at 9:13 a.m.

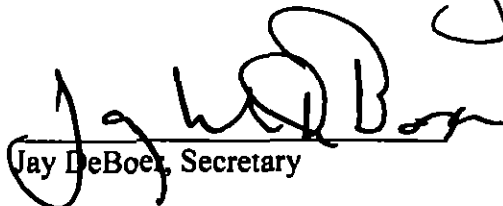
Call to Order

The Board for Barbers and Cosmetology Apprenticeship Standards Review Committee reviewed the Standards for Barbering, Cosmetology, and Nail Technology Apprenticeship Programs administered by the Virginia Department of Labor and Industry.

Ms. Williams adjourned the committee meeting at 1:40pm

Adjourn


Lonnie E. Quesenberry, Chair


Jay DeBoer, Secretary

COPY TESTE: