

## BOARD FOR BARBERS & COSMETOLOGY

### MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, October 25, 2004, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4<sup>th</sup> Floor, Richmond, Virginia. The following members were present:

Jessie H. Anders  
Hien Huu Do  
Janet E. Girardi  
Gloria L. Howard-Seldon  
Algie T. Howell, III  
Lonnie E. Quesenberry  
Virginia Lee Sanders

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

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen W. O'Neal, Deputy Director, LRD  
Nick A. Christner, Deputy Director for Compliance & Investigations  
William H. Ferguson, II, Executive Director  
Zelda W. Dugger, Board Administrator  
Earlyne B. Perkins, Legal Assistant  
Edna Carter, Legal Assistant  
Rashaun K. Minor, Administrative Assistant

A representative from the Office of the Attorney General was not present at the meeting.

Mr. Quesenberry determined a quorum was present and called the **Call to Order** meeting to order at 9:08 a.m.

Upon a motion by Mr. Anders and seconded by Mr. Howell the Board **Approval of Agenda** voted to approve the agenda as amended. The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

Former board members were recognized for their service and **Resolutions** dedication to the Board for Barbers and Cosmetology. They were:

Marian L. Alderson  
Vickie Ashwell  
Conrad Calpito  
Ernest D. Chapman

Virginia C. Dudley  
Betty Grable  
Algie T. Howell, Jr.  
Kenneth A. Staples  
Robert L. Stockton  
Joyce L. Wilson-Clemmons

Mr. Quesenberry presented resolutions to the following past board members:

Marian L. Alderson  
Vickie Ashwell  
Algie T. Howell, Jr.  
Robert L. Stockton  
Joyce L. Wilson-Clemmons

**Commonwealth of Virginia  
Department of Professional and  
Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Marian L. Alderson*

**WHEREAS**, Marian Alderson, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 2001 until 2004; and

**WHEREAS**, Marian Alderson, has devoted generously of her time, talent and leadership to the Board; and

**WHEREAS**, Marian Alderson, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Marian Alderson be given all honors and respect due her for her outstanding

service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Vickie Ashwell*

**WHEREAS**, Vickie Ashwell, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 1994 until 2002; and

**WHEREAS**, Vickie Ashwell, has devoted generously of her time, talent and leadership to the Board; and

**WHEREAS**, Vickie Ashwell, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Vickie Ashwell be given all honors and respect due her for her outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Algie T. Howell, Jr.*

**WHEREAS**, Algie Howell, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from March 2003 until December 2003; and

**WHEREAS**, Algie Howell, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Algie Howell, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Algie Howell be given all honors and respect due him for his outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**

## **Occupational Regulation**

### **Board for Barbers and Cosmetology**

Resolution To

***Robert L. Stockton***

**WHEREAS**, Robert L. Stockton, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 1998 until 2002; and

**WHEREAS**, Robert L. Stockton, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Robert L. Stockton, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Robert L. Stockton be given all honors and respect due him for his outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Joyce C. Wilson-Clemmons*

**WHEREAS**, Joyce Wilson-Clemmons, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 2001 until 2004 and

**WHEREAS**, Joyce Wilson-Clemmons, has devoted generously of her time, talent and leadership to the Board; and

**WHEREAS**, Joyce Wilson-Clemmons, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Joyce Wilson-Clemmons be given all honors and respect due her for her outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

Although not present at the meeting, resolutions for the following board members were entered into the minutes:

Conrad Calpito  
Ernest D. Chapman  
Virginia C. Dudley  
Betty Grable  
Kenneth A. Staples

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Conrad Calpito*

**WHEREAS**, Conrad Calpito, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 2001 until 2003; and

**WHEREAS**, Conrad Calpito, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Conrad Calpito, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Conrad Calpito be given all honors and respect due him for his outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Ernest D. Chapman*

**WHEREAS**, Ernest D. Chapman, has faithfully and diligently served

as a member of the Board for Barbers and Cosmetology from 1998 until 2002; and

**WHEREAS**, Ernest D. Chapman, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Ernest D. Chapman, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Ernest D. Chapman be given all honors and respect due him for his outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Virginia C. Dudley*

**WHEREAS**, Virginia Dudley, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 2001 until 2004; and

**WHEREAS**, Virginia Dudley, has devoted generously of her time, talent and leadership to the Board; and



**WHEREAS**, Virginia Dudley, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Virginia Dudley be given all honors and respect due her for her outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Betty. H. Grable*

**WHEREAS**, Betty Grable, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 1998 until 2002; and

**WHEREAS**, Betty Grable, has devoted generously of her time, talent and leadership to the Board; and

**WHEREAS**, Betty Grable, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service

of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Betty Grable be given all honors and respect due her for her outstanding service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Barbers and Cosmetology**

Resolution To

*Kenneth A. Staples.*

**WHEREAS**, Kenneth Staples, has faithfully and diligently served as a member of the Board for Barbers and Cosmetology from 2002 until 2004; and

**WHEREAS**, Kenneth Staples, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Kenneth Staples, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Barbers and Cosmetology wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem 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 twenty-fifth day of October, 2004 that Kenneth Staples be given all honors and respect due him for his outstanding

service to the Commonwealth and 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.

**Lonnie E. Quesenberry, Chair**  
**Louise Fontaine Ware, Director**

Mr. Quesenberry asked if there was any public comment.

**Public Comment**  
**Period**

Dr. Laverne Tisdale, member of the Virginia State Beautician Association, from Brookneal, addressed the Board regarding curriculum requirements.

Dr. Brenda McIntyre, member of the Virginia State Beautician Association and Student Competition Coordinator and Chairperson, from Norfolk, addressed the Board regarding curriculum requirements.

Ms. Frances R. Brooks, member of the Virginia State Beautician Association, from the Tidewater Area, addressed the Board concerning the Examiner position with the testing vendor.

Dr. Mable F. Hawkins, member of the Virginia State Beautician Association and Director of Education of Virginia Institute of Cosmetology, from Virginia Beach, addressed the Board concerning students and licensees receiving information pertaining to the regulations.

Dr. Hawkins was informed that the regulations and the *Code of Virginia* were available on the Board's website and that the information may also be obtained by calling or writing to the board office and requesting the information be mailed out.

Ms. Pho Thi Miller, owner of a nail salon in Chesapeake, addressed the Board regarding the notification process to its licensees regarding changes and updates to the regulations.

Mr. McKinley Stockton, owner of Barber College in Woodbridge, addressed the Board regarding the current Barber examination. Mr. Stockton stated that the current exam does not address or represent the practices of a barber.

Mr. Robert L. Stockton, former barber board member, addressed the Board. Mr. Stockton thanked the Board for recognizing his service on the Board and also spoke regarding the current barber exam.

Ms. Nell Strecker, member of the Professional Esthetics Alliance (PEA), addressed the Board regarding the licensure of estheticians in the Commonwealth.

There being no further comment before the Board the public comment period ended. Mr. Quesenberry thanked the public for their comments and time.

Upon a motion by Mr. Anders and seconded by Ms. Sanders the Board voted to approve the minutes of the July 26, 2004 Board for Barbers and Cosmetology Board meeting, the July 19, 2004 Board for Barbers and Cosmetology Informal Fact-Finding Conference minutes, and the August 24, 2004 Board for Barbers and Cosmetology Informal Fact-Finding Conference minutes.

**Approval of Minutes  
for  
July 26, 2004 Board  
Meeting,  
July 19, 2004 IFF,  
and August 24, 2004  
IFF**

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

In the matter of **File Number 2004-04469, Board v. Hanh Thi Tuyet Bui**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Mr. Roy Spence, counsel for the regulant, was present at the meeting and addressed the Board on behalf of Hanh Bui. Mr. Dennis Pryba, counsel for the complainant, was present at the meeting and addressed the Board on behalf of Ms. Mendez.

**File Number  
2004-04469 Hanh Thi  
Tuyet Bui**

Upon a motion by Mr. Howard-Seldon seconded by Mr. Sanders, the Board voted that there was clear and convincing evidence that Hanh Thi Tuyet Bui violated the following section of its Regulations:

(Effective July 1, 2003)

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

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

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Girardi, the Board voted to accept the recommendation and imposed the

following monetary penalty:

Count 1:	18 VAC 55-22-350(2)	\$ 800.00
TOTAL		<u>\$800.00</u>

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

In the matter of **File Number 2004-02925, Board v. Nail Club**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Mr. Phong Nguyen, counsel for regulant, was present at the meeting and addressed the Board on behalf of Hanh Bui. Mr. Dennis Pryba, Esquire, counsel for the complainant, was present at the meeting and addressed the Board on behalf of Ms. Mendez.

**File Number**  
**2004-02925 Nail Club**

Upon a motion by Ms. Sanders and seconded by Ms. Girardi, the Board voted that there was clear and convincing evidence that Nail Club violated the following section of its Regulations:

(Effective July 1, 2003)  
Count 1: 18 VAC 41-20-280.A.1

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

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted to amend the recommendation and to imposed the following monetary penalty:

18 VAC 41-20-280.A.1	\$ 600.00
TOTAL	<u>\$ 600.00</u>

The members voting 'yes' were Mr. Anders, Ms. Girardi, Mr. Howell, Ms. Howard-Seldon, and Mr. Quesenberry. The members voting 'no' were Mr. Do and Ms. Sanders. The motion passed by majority.

In the matter of **File Number 2004-01368, Board v. K Nails** the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Chinh Nguyen was present at the Board meeting;

**File Number 2004-**  
**01368 K Nails**

however, he did not address the Board.

Upon a motion by Ms. Girardi and seconded by Ms. Sanders, the Board voted that there was clear and convincing evidence that K Nails violated the following section of its Regulations:

(Effective July 1, 2003)

Count 1:	18 VAC 41-20-260.A
Count 2:	18 VAC 41-20-270.B.5
Count 3:	18 VAC 41-20-270.B.7
Count 4:	18 VAC 41-20-270.C.1
Count 5:	18 VAC 41-20-270.C.2
Count 6:	18 VAC 41-20-270.C.4
Count 7:	18 VAC 41-20-270.D.1
Count 8:	18 VAC 41-20-270.E.13
Count 9:	18 VAC 41-20-270.F.1
Count 10:	18 VAC 41-20-270.F.2
Count 11:	18 VAC 41-20-270.J

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

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Sanders, the Board accept the recommendation on counts 1-9 and to decrease the monetary penalty on count 10 and count 11 citing the need for information on the contents of the blood spill kit and concerning the increased availability the self-inspection form:

Count 1:	18 VAC 41-20-260.A	\$ 250.00
Count 2:	18 VAC 41-20-270.B.5	\$ 100.00
Count 3:	18 VAC 41-20-270.B.7	\$ 100.00
Count 4:	18 VAC 41-20-270.C.1	\$ 100.00
Count 5:	18 VAC 41-20-270.C.2	\$ 100.00
Count 6:	18 VAC 41-20-270.C.4	\$ 150.00
Count 7:	18 VAC 41-20-270.D.1	\$ 100.00
Count 8:	18 VAC 41-20-270.E.13	\$ 50.00
Count 9:	18 VAC 41-20-270.F.1	\$ 50.00
Count 10:	18 VAC 41-20-270.F.2	\$ 25.00
Count 11:	18 VAC 41-20-270.J	\$ 25.00

TOTAL		<hr/> \$1,050.00
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The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders.

There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2003-00028, Board v. T&C Nails** the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. John Erickson, counsel for Ms. Van Nguyen, respondent, Ms. Van Nguyen, owner of T&C Nails, and Ms. Ngoc, interpreter for Ms. Nguyen were present at the board meeting and addressed the Board.

**File Number**  
**2003-00028 T&C**  
**Nails**

Upon a motion by Mr. Do and seconded by Mr. Anders, the Board voted that there was not clear and convincing evidence that T&C Nails violated the Regulations and rejected the recommendation and closed the case with no violation.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. The board member voting 'no' was Ms. Howard-Seldon. The motion passed by majority.

In the matter of **File Number 2004-02043, Board v. Maggie Gridley** the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Ms. Maggie Gridley was present at the board meeting and addressed the Board.

**File Number 2004-**  
**02043 Maggie**  
**Gridley**

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Sanders, the Board voted that there was clear and convincing evidence that Maggie Gridley violated the following section of its Regulations:

(Effective July 2, 2002)

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

Count 2: 18 VAC 41-20-280.A.4 to wit: 18 VAC 41-20-280.B.3

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

Upon a motion by Mr. Howell and seconded Ms. Howard-Seldon, the Board voted to reduce the monetary penalty citing the respondent correcting actions and imposed the following monetary penalties:

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

Count 2: 18 VAC 41-20-280.A.4  
to wit: 18 VAC 41-20-280.B.3 \$ 750.00

TOTAL \$1,500.00

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

In the matter of **File Number 2004-02748, Board v. Harrisonburg Beauty School** the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Maggie Gridley, owner of Harrisonburg Beauty School, was present at the Board meeting.

**File Number 2004-02748 Harrisonburg Beauty School**

Upon a motion by Mr. Howell and seconded by Mr. Anders , the Board voted that there was clear and convincing evidence that Harrisonburg Beauty School violated the following sections of its Regulations:

(Effective July 2, 2002)  
Count 1: 18 VAC 41-20-280.B.1  
Count 2: 18 VAC 41-20-280.B.3

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. The member 'abstaining' was Ms. Howard-Seldon. There were no negative votes. The motion passed by majority.

Upon a motion by Mr. Howell and seconded by Ms. Sanders the Board voted to reduce the monetary penalty citing the respondent correcting actions and imposed the following monetary penalties:

Count 1: 18 VAC 41-20-280.B.1 \$ 750.00  
Count 2: 18 VAC 41-20-280.B.3 \$ 750.00

TOTAL \$ 1,500.00

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

In the matter of **File Number 2004-03012, Board v. Nails & Tan Ltd LLC** the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the

**File Number 2004-03012 Nails & Tan Ltd LLC**



presiding Board member's summary and recommendation. Ms. Pho Miller, owner of Nails & Tan Ltd LLC was present at the Board meeting and addressed the Board.

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon the Board voted that there was clear and convincing evidence that Nails & Tan Ltd LLC violated the following sections of its Regulations:

(Effective July 1, 2003)  
Count 1: 18 VAC 41-20-270.G.3  
Count 2: 18 VAC 41-20-270.E.1  
Count 3: 18 VAC 41-20-270.B.8  
Count 4: 18 VAC 41-20-280.C.1

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

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Girardi, the Board voted to accept the recommendation and impose no sanctions.

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

In the matter of **File Number 2004-04905, Board v. Nails & Tan Ltd LLC** the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Pho Miller, owner of Nails & Tan Ltd LLC was present at the Board meeting and addressed the Board.

**File Number 2004-04905 Nails & Tan Ltd LLC**

Upon a motion by Mr. Howell and seconded by Ms. Sanders the Board voted that there was clear and convincing evidence that Nails & Tan Ltd LLC violated the following sections of its Regulations:

(Effective July 1, 2003)  
Count 1: 18 VAC 41-20-270.G.3  
Count 2: 18 VAC 41-20-270.E.1  
Count 3: 18 VAC 41-20-270.B.8  
Count 4: 18 VAC 41-20-280.C.1

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon

the Board voted to accept the recommendation for count 1 and count 3 and imposed the following monetary penalties:

Count 1:	18 VAC 41-20-270.G.3	\$ 500.00
Count 3:	18 VAC 41-20-270.B.8	\$ 200.00

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

Upon a motion by Mr. Howell and seconded by Ms. Sanders the Board voted to accept the recommendation for count 2 and count 4 and imposed the following monetary penalty:

Count 2:	18 VAC 41-20-270.E.1	\$ 100.00
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The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

The Board imposed the following monetary penalties:

Count 1:	18 VAC 41-20-270.G.3	\$ 500.00
Count 2:	18 VAC 41-20-270.E.1	\$ 100.00
Count 3:	18 VAC 41-20-270.B.8	\$ 200.00

TOTAL		<hr/> \$ 800.00
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In the matter of **File Number 2004-04904, Board v. Pho Thi Miller** the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Pho Miller was present at the Board meeting and addressed the Board.

**File Number 2004-04904 Pho Thi Miller**

Upon a motion by Mr. Howell and seconded by Ms. Sanders the Board voted on count 1 and count 3 that there was clear and convincing evidence that Pho Thi Miller violated the following sections of its Regulations:

	(Effective July 1, 2003)
Count 1:	18 VAC 41-20-270.G. 3
Count 3:	18 VAC 41-20-280.A.1

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms.

Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. The member voting 'no' was Mr. Do. The motion passed by majority.

Upon a motion by Ms. Sanders and seconded by Ms. Girardi, the Board voted on count 2 that there was clear and convincing evidence that Pho Thi Miller violated the following section of its Regulations"

(Effective July 1, 2003)

Count 2: 18 VAC 41-20-270.B.8

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. The member 'abstaining' was Mr. Do. There were no negative votes. The motion passed by majority.

Upon a motion by Ms. Sanders and seconded by Mr. Howell the Board voted to accept the recommendation on count 2 and imposed the following monetary penalty:

Count 2: 18 VAC 41-20-270.B.8 \$ 200.00

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Sanders. The member 'abstaining' was Mr. Do. There were no negative votes. The motion passed by majority.

Upon a motion by Mr. Howell and seconded Ms. Howard-Seldon the Board voted to accept the recommendation on count 1 and amend count 3 and imposed the following monetary penalty:

Count 3: 18 VAC 41-20-280.A.1 \$ 300.00

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

The Board imposed the following monetary penalties:

Count 2: 18 VAC 41-20-270.B.8 \$ 200.00

Count 3: 18 VAC 41-20-280.A.1 \$ 300.00

TOTAL \$ 500.00

In the matter of **File Number 2003-00807, Board v. Tashaes Salon**, the Board reviewed the record, which consisted of the investigative

**File Number 2003-00807 Tashaes Salon**

file, transcript and exhibits from the IFF, and the summary and recommendation. Mr. Delano Lipscombe, owner of Tashaes Salon, was present at the meeting and addressed the Board.

Upon a motion by Mr. Howell and seconded by Mr. Anders, the Board voted that there was clear and convincing evidence that Tashaes Salon violated the following section of its Regulations:

(Effective July 2, 2002)

Count 1: 18 VAC 41-20-280.C.2

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

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Do, the Board voted to reject the recommendation and imposed no monetary penalty due to the license is expired.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Sanders. The members voting 'no' were Mr. Howell. The motion passed by majority.

In the matter of **File Number 2004-00884, Board v. Tashaes Salon**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Mr. Delano Lipscombe, owner of Tashaes Salon, was present at the meeting and addressed the Board.

**File Number 2004-00884 Tashaes Salon**

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted that there was clear and convincing evidence that Tashaes Salon violated the following section of its Regulations:

(Effective July 2, 2002)

Count 1: 18 VAC 41-20-280.C.2

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

Upon a motion by Mr. Howell and seconded by Mr. Do, the Board voted to amend the recommendation and imposed the following monetary penalty:

Count 1:	18 VAC 41-20-280.C.2	\$ 1,000.00
TOTAL		<u>\$ 1,000.00</u>

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

In the matter of **File Number 2004-01214, Board v. Hair Millennium**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Hair Millennium did not appear at the Board meeting in person, or by counsel, or by any other qualified representative.

**File Number 2004-01214 Hair Millennium**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted that there was clear and convincing evidence that Hair Millennium violated the following sections of its Regulations:

(Effective July 1, 2003)

Count 1:	18 VAC 41-20-260.A
Count 2:	18 VAC 41-20-270.B.1
Count 3:	18 VAC 41-20-270.D.1
Count 4:	18 VAC 41-20-270.B.5
Count 5:	18 VAC 41-20-270.D.1
Count 6:	18 VAC 41-20-270.E.1
Count 7:	18 VAC 41-20-270.E.6
Count 8:	18 VAC 41-20-270.E.13
Count 9:	18 VAC 41-20-270.F.2

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

Upon a motion by Ms. Girardi and seconded by Ms. Sanders, the Board voted to accept the recommendation on counts 1-8 and to decrease the monetary penalty on count 9 citing the need for information on the contents of the blood spill kit and concerning the increased availability the self-inspection form and imposed the following monetary penalty:

Count 1:	18 VAC 41-20-260.A	\$ 250.00
Count 2:	18 VAC 41-20-270.B.1	\$ 100.00
Count 3:	18 VAC 41-20-270.D.1	\$ 100.00
Count 4:	18 VAC 41-20-270.B.5	\$ 100.00

Count 5:	18 VAC 41-20-270.D.1	\$ 100.00
Count 6:	18 VAC 41-20-270.E.1	\$ 100.00
Count 7:	18 VAC 41-20-270.E.6	\$ 100.00
Count 8:	18 VAC 41-20-270.E.13	\$ 50.00
Count 9:	18 VAC 41-20-270.F.2	\$ 25.00
TOTAL		<u>\$ 950.00</u>

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

The Board recessed at 12:00 p.m. and reconvened at 12:26 p.m.

**Break**

In the matter of **File Number 2004-02482, Board v. International Beauty School**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Ms. Jorgina Andrawos was present at the Board meeting and addressed the Board.

**File Number 2004-02482 International Beauty School**

Upon a motion by Ms. Howell and seconded by Ms. Howard-Seldon, the Board voted that there was clear and convincing evidence that International Beauty School violated the following sections of its Regulations:

(Effective July 1, 2003)

Count 1:	18 VAC 41-20-260.A
Count 2:	18 VAC 41-20-270.B.7
Count 3:	18 VAC 41-20-270.C.1
Count 4:	18 VAC 41-20-270.C.7
Count 5:	18 VAC 41-20-270.D.1
Count 6:	18 VAC 41-20-270.E.2
Count 7:	18 VAC 41-20-270.E.13
Count 8:	18 VAC 41-20-270.E.14
Count 9:	18 VAC 41-20-270.J
Count 10:	18 VAC 41-20-200.3
Count 11:	18 VAC 41-20-200.6
Count 12:	18 VAC 41-20-270.G.1

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

Upon a motion by Ms. Sanders and seconded by Mr. Howell, the Board voted to accept the recommendation on counts 1-8, count 11

and count 12 and to decrease the monetary penalty on count 9 citing the need for increased availability the self-inspection form and amend count 10 and imposed the following monetary penalty:

Count 1:	18 VAC 41-20-260.A	\$ 100.00
Count 2:	18 VAC 41-20-270.B.7	\$ 100.00
Count 3:	18 VAC 41-20-270.C.1	\$ 50.00
Count 4:	18 VAC 41-20-270.C.7	\$ 50.00
Count 5:	18 VAC 41-20-270.D.1	\$ 100.00
Count 6:	18 VAC 41-20-270.E.2	\$ 100.00
Count 7:	18 VAC 41-20-270.E.13	\$ 50.00
Count 8:	18 VAC 41-20-270.E.14	\$ 50.00
Count 9:	18 VAC 41-20-270.J	\$ 25.00
Count 10:	18 VAC 41-20-200.3	\$1,500.00
Count 11:	18 VAC 41-20-200.6	\$ 100.00
Count 12:	18 VAC 41-20-270.G.1	\$ 100.00
TOTAL		<hr/> \$2,325.00

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

In the matter of **File Number 2004-04783, Board v. Legends Beauty, Inc**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. James Looney, owner of Legends Beauty, Inc, was present at the Board meeting and addressed the Board.

**File Number 2004-04783 Legends Beauty, Inc**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell the Board voted that there was clear and convincing evidence the Legends Beauty, Inc violated the following sections of its Regulations:

	(Effective July 1, 2003)
Count 1:	18 VAC 41-20-260.A
Count 2:	18 VAC 41-20-260.B
Count 3:	18 VAC 41-20-270.B.5
Count 4:	18 VAC 41-20-270.C.1
Count 5:	18 VAC 41-20-270.D.1
Count 6:	18 VAC 41-20-270.E.2
Count 7:	18 VAC 41-20-270.E.4
Count 8:	18 VAC 41-20-270.E.13
Count 9:	18 VAC 41-20-270.F.1

Count 10: 18 VAC 41-20-270.F.2  
Count 11: 18 VAC 41-20-270.J  
Count 12: 18 VAC 41-20-200.3

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

Upon a motion by Howard-Seldon and seconded by Ms. Girardi the Board voted to accept the recommendation on 1-8 and count 12 and amend count 9 and to decrease the monetary penalty on count 10 and count 11 citing the need for information on the contents of the blood spill kit and concerning the increased availability of the self-inspection form; the Board imposed the following monetary penalties:

Count 1:	18 VAC 41-20-260.A	\$ 250.00
Count 2:	18 VAC 41-20-260.B	\$ 100.00
Count 3:	18 VAC 41-20-270.B.5	\$ 100.00
Count 4:	18 VAC 41-20-270.C.1	\$ 100.00
Count 5:	18 VAC 41-20-270.D.1	\$ 100.00
Count 6:	18 VAC 41-20-270.E.2	\$ 100.00
Count 7:	18 VAC 41-20-270.E.4	\$ 50.00
Count 8:	18 VAC 41-20-270.E.13	\$ 25.00
Count 9:	18 VAC 41-20-270.F.1	\$ 25.00
Count 10:	18 VAC 41-20-270.F.2	\$ 25.00
Count 11:	18 VAC 41-20-270.J	\$ 25.00
Count 12:	18 VAC 41-20-200.3	\$1,500.00
TOTAL		<hr/> \$2,275.00

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

In the matter of **File Number 2004-02183, Board v. Crescent Cosmetology University**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Crescent Cosmetology University did not appear at the Board meeting in person, or by counsel, or by any other qualified representative.

**File Number 2004-02183 Crescent Cosmetology University**

Upon a motion by Ms. Girardi and seconded by Ms. Sanders, the Board voted that there was clear and convincing evidence that Crescent Cosmetology University violated the following sections of its Regulations:



(Effective July 1, 2003)

Count 1:	18 VAC 41-20-260.A
Count 2:	18 VAC 41-20-270.B.1
Count 3:	18 VAC 41-20-270.B.5
Count 4:	18 VAC 41-20-270.B.6
Count 5:	18 VAC 41-20-270.E.7
Count 6:	18 VAC 41-20-270.F.2
Count 7:	18 VAC 41-20-270.J
Count 8:	18 VAC 41-20-200.3

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

Upon a motion by Mr. Howell and seconded by Ms. Girardi, the Board voted to accept the recommendation on counts 1-5 and count 8 and to decrease the monetary penalty on count 6 and count 7 citing the need for information on the contents of the blood spill kit and concerning the increased availability the self-inspection form and imposed the following monetary penalty:

Count 1:	18 VAC 41-20-260.A	\$ 250.00
Count 2:	18 VAC 41-20-270.B.1	\$ 100.00
Count 3:	18 VAC 41-20-270.B.5	\$ 100.00
Count 4:	18 VAC 41-20-270.B.6	\$ 100.00
Count 5:	18 VAC 41-20-270.E.7	\$ 100.00
Count 6:	18 VAC 41-20-270.F.2	\$ 25.00
Count 7:	18 VAC 41-20-270.J	\$ 25.00
Count 8:	18 VAC 41-20-200.3	\$ 1500.00
TOTAL		<hr/> \$ 2,200.00

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

In the matter of **File Number 2004-02483, Board v. Hollywood Nails Ltd**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Hollywood Nails Ltd did not appear at the Board meeting in person, or by counsel, or by any other qualified representative.

**File Number 2004-02483 Hollywood Nails Ltd**

Upon a motion by Ms. Girardi and seconded by Mr. Howell, the

Board voted that there was clear and convincing evidence that Hollywood Nails Ltd violated the following sections of its Regulations:

(Effective July 1, 2003)

Count 1:	18 VAC 41-20-260.B.6
Count 2:	18 VAC 41-20-270.B.7
Count 3:	18 VAC 41-20-270.C.1
Count 4:	18 VAC 41-20-270.D.1
Count 5:	18 VAC 41-20-270.E.1
Count 6:	18 VAC 41-20-270.E.3
Count 7:	18 VAC 41-20-270.E.4
Count 8:	18 VAC 41-20-200.E.11
Count 9:	18 VAC 41-20-270.E.13
Count 10:	18 VAC 41-20-270.F.2
Count 11:	18 VAC 41-20-270.F.3
Count 12:	18 VAC 41-20-270.J

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

Upon a motion by Ms. Sanders and seconded by Ms. Girardi, the Board voted to accept the recommendation on counts 1-9 and count 11 and to decrease the monetary penalty on count 10 and count 12 citing the need for information on the contents of the blood spill kit and concerning the increased availability the self-inspection form and imposed the following monetary penalty:

Count 1:	18 VAC 41-20-260.B.6	\$ 100.00
Count 2:	18 VAC 41-20-270.B.7	\$ 100.00
Count 3:	18 VAC 41-20-270.C.1	\$ 100.00
Count 4:	18 VAC 41-20-270.D.1	\$ 100.00
Count 5:	18 VAC 41-20-270.E.1	\$ 100.00
Count 6:	18 VAC 41-20-270.E.3	\$ 100.00
Count 7:	18 VAC 41-20-270.E.4	\$ 50.00
Count 8:	18 VAC 41-20-200.E.11	\$ 100.00
Count 9:	18 VAC 41-20-270.E.13	\$ 50.00
Count 10:	18 VAC 41-20-270.F.2	\$ 25.00
Count 11:	18 VAC 41-20-270.F.3	\$ 100.00
Count 12:	18 VAC 41-20-270.J	\$ 25.00
TOTAL		<hr/> \$ 950.00

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi,

Mr. Howell, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Sanders. There were no negative votes. The motion passed unanimously.

Ms. Howard-Seldon left the meeting.

**Ms. Howard-Seldon leaves**

In the matter of **File Number 2004-02569, Board v. Re-On's Designing Impressions**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Re-On's Designing Impressions did not appear at the Board meeting in person, or by counsel, or by any other qualified representative.

**File Number 2004-02569 Re-On's Designing Impressions**

Upon a motion by Ms. Sanders and seconded by Mr. Howell, the Board voted that there was clear and convincing evidence that Re-On's Designing Impressions violated the following sections of its Regulations:

- (Effective July 1, 2003)
- Count 1: 18 VAC 41-20-260.C
  - Count 2: 18 VAC 41-20-270.B.1
  - Count 3: 18 VAC 41-20-270.B.3
  - Count 4: 18 VAC 41-20-270.D.1
  - Count 5: 18 VAC 41-20-270.B.5
  - Count 6: 18 VAC 41-20-270.B.6
  - Count 7: 18 VAC 41-20-270.B.7
  - Count 8: 18 VAC 41-20-200.E.11
  - Count 9: 18 VAC 41-20-270.E.13
  - Count 10: 18 VAC 41-20-270.F.2
  - Count 11: 18 VAC 41-20-270.F.3
  - Count 12: 18 VAC 41-20-270.J

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

Ms. Howard-Seldon was not present during the discussion or vote.

Upon a motion by Ms. Sanders and seconded by Ms. Girardi, the Board voted to accept the recommendation on counts 1-9 and count 11 and to decrease the monetary penalty on count 10 and count 12 citing the need for information on the contents of the blood spill kit and concerning the increased availability the self-inspection form and imposed the following monetary penalty:

Count 1:	18 VAC 41-20-260.B.6	\$ 100.00
Count 2:	18 VAC 41-20-270.B.7	\$ 100.00
Count 3:	18 VAC 41-20-270.C.1	\$ 100.00
Count 4:	18 VAC 41-20-270.D.1	\$ 100.00
Count 5:	18 VAC 41-20-270.E.1	\$ 100.00
Count 6:	18 VAC 41-20-270.E.3	\$ 100.00
Count 7:	18 VAC 41-20-270.E.4	\$ 50.00
Count 8:	18 VAC 41-20-200.E.11	\$ 100.00
Count 9:	18 VAC 41-20-270.E.13	\$ 50.00
Count 10:	18 VAC 41-20-270.F.2	\$ 25.00
Count 11:	18 VAC 41-20-270.F.3	\$ 100.00
Count 12:	18 VAC 41-20-270.J	\$ 25.00

TOTAL \$ 950.00

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

Ms. Howard-Seldon was not present during the discussion or vote.

Ms. Howard-Seldon returned to the meeting.

**Ms. Howard-Seldon returns**

In the matter of **File Number 2003-03002, Board v. Joseph Powell**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the summary and recommendation. Joseph Powell did not appear at the Board meeting in person, or by counsel, or by any other qualified representative.

**File Number 2003-03002 Joseph Powell**

Upon a motion by Mr. Howell and seconded by Ms. Do, the Board voted that there was not clear and convincing evidence that Joseph Powell violated the Regulations and closed the case with a finding of no violation.

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

The Board was informed that the Virginia Department of Planning and Budget (DPB) approved the proposed Tattooing Regulations on October 15, 2004, the first part of executive review of the regulations.

**Proposed Tattooing Regulations Update**

The proposed regulations are currently under review by the Secretary of Commerce and Trade (SCT). If approved by the SCT, the regulations go to the Governor. If approved by the Governor, the proposed regulations are published in the *Virginia Register* and the 60-day public comment period is scheduled.

The Board took under consideration the Emergency Body-piercing Regulations and Proposed Body-Piercing Regulations.

**Body Piercing  
Emergency and  
Proposed  
Regulations**

Upon a motion made by Ms. Sanders and seconded by Mr. Do, the Board adopted the Emergency Body-Piercing Regulations and the Proposed Body-Piercing Regulations and gave Board staff the authorization to revise as deemed necessary by the Office of the Attorney General or Executive Branch Review.

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

The Board reviewed the tentative 2005 board meeting dates and scheduled the next board meeting for Monday, January 24, 2005.

**Other Board  
Business**

There being no other business to be brought before the Board, Mr. Quesenberry adjourned the meeting at 1:31 p.m.

**Adjourn**

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Lonnie E. Quesenberry, Chair

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Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of the Records