

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, February 5, 2007, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4th Floor, Richmond, Virginia. The following members were present:

Jessie H. Anders
Algie T. Howell, III
Virginia L. Sanders
Gloria L. Howard-Seldon
Lonnie E. Quesenberry
Jessica B. Weaver
L. Saphonia Gee – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related to esthetics until July 1, 2007.
Laura A. Todd – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related to esthetics until July 1, 2007.

The following members were absent:

Hien Huu Do
Janet E. Girardi

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

Jay W. DeBoer, Director
David B. Ashe, Deputy Director
Nick A. Christner, Deputy Director for Compliance & Investigations
Karen O'Neal, Deputy Director of LRD
William H. Ferguson, II, Executive Director
Earlyne B. Perkins, Legal Analyst
Sheila Watkins, Administrative Assistant

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

Elizabeth B. Peay, Assistant Attorney General

Mr. Quesenberry, Chair, determined a quorum was present and called Call to Order the meeting to order at 9:07 a.m.

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Weaver the Board voted to adopt the agenda.

Approval of Agenda

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

Mr. Quesenberry asked if there was any public comment.

Public Comment

LaFarn L. Burton, LB Beauty & Training Academy, addressed the Board concerning requiring health education when applying for esthetician license through waiver of exam.

Jeff Buthe, The Medical Society of VA, addressed the Board on the esthetics regulations concerning services on live tissue, services possibly considered the practice of medicine, involvement of physicians, and exemption of physicians and nurses.

Robert Bohannon, American Academy of Dermatology Association, addressed the Board on the esthetics regulations concerning services on live tissue, services possibly considered the practice of medicine, the dose and strength of products used to perform the chemical peel process, involvement of physicians.

This ends the public comment.

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

**Approval of
Minutes for
November 6, 2006
Board Meeting,
October 26, 2006
IFF, November 09,
2006 IFF, and
November 17, 2006
IFF**

November 6, 2006 Board for Barbers and Cosmetology board meeting, October 26, 2006 Informal Fact-Finding Conference, November 09, 2006 Informal Fact-Finding Conference, and the November 17, 2006 Informal Fact-Finding Conference.

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

Ms. Howard-Seldon left the meeting.

Ms. Howard-Seldon

In the matter of **Disciplinary File Number 2005-02418, LA Nails, t/a Diet Quang Le**, the Board reviewed the record, which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. LA Nails, t/a Diet Quang Le, Respondent, nor anyone on his behalf appeared at the IFF or the board meeting. As

**File Number
2005-02418
LA Nails, t/a Diet
Quang Le.**

the reviewing officer, Ms. Howard-Seldon was not present, did not participate in the discussion, and did not vote on this matter.

Upon a motion by Ms. Sanders and seconded by Mr. Howell, the Board adopted the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary and found substantial evidence that La Nails violated the following sections of its Regulations.

Effective July 1, 2003

- Count 1: 18 VAC 41-20-280 A 4
- Count 2: 18 VAC 41-20-280 C 2
- Count 3: 18 VAC 41-20-280 A 4

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

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

| | | |
|---|----------------------|-------------------|
| Count 1: | 18 VAC 41-20-280.A.4 | \$2,000.00 |
| Count 2: | 18 VAC 41-20-280.C.2 | \$1,000.00 |
| Count 3: | 18 VAC 41-20-280.A.4 | \$1,000.00 |
| Count 4: | 18 VAC 41-20-270.E.5 | \$50.00 |
| In addition for violation of Counts 1 and 3 the Board imposed revocation of license number 1208 000970. | | |
| | | ----- |
| TOTAL: | | \$4,000.00 |

The members voting 'yes' were Mr. Anders, Mr. Howell, Ms. Sanders, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously. As the reviewing officer, Ms. Howard-Seldon was not present, did not participate in the discussion, and did not vote on this matter.

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

Transfer of Chair,
Ms. Howard-Seldon
& Mr. Quesenberry

In the matter of File Number 2007-00159, Board v. Regal Nails, the Board reviewed the record, which consisted of the pre-Informal Fact-Finding Conference Consent Order. Regal Nails did not appear at the

File Number
2007-00159
Regal Nails

meeting in person, by counsel, or by any other qualified representative.

By signing the Consent Order, Regal Nails (Xuan-Nguyen, owner) acknowledged an understanding of the charges and admitted to the violation(s) of the Count as outlined in the Report of Findings. Regal Nails consented to the following term(s):

| | | |
|--|----------------------|-----------------|
| Count 1: | 18 VAC 41-20-270.F.1 | \$50.00 |
| Count 2: | 18 VAC 41-20-270.J | \$50.00 |
| Count 3: | 18 VAC 41-280.C.1 | \$400.00 |
| In addition Regal Nails agreed to pay Board cost in the amount of: | | \$150.00 |
| | | ----- |
| TOTAL: | | \$650.00 |

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

The members voting 'yes' were Mr. Anders, Mr. Howell, Ms. Sanders, Ms. Howard-Seldon, and Ms. Weaver. There were no negative votes. The motion passed unanimously. As the Board representative, Mr. Quesenberry was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of File Number 2007-00191, Board v. RTD Inc t/a The Barber Shop & CO, the Board reviewed the record, which consisted of the pre-Informal Fact-Finding Conference Consent Order. RTD Inc did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-00191
RTD Inc t/a The Barber Shop & CO

By signing the Consent Order, RTD Inc (Randy A Dingus, owner) acknowledged an understanding of the charges and admitted to the violation(s) of the Count as outlined in the Report of Findings. RTD Inc consented to the following term(s):

| | | |
|--|----------------------|-----------------|
| Count 1: | 18 VAC 41-20-280.C.2 | \$200.00 |
| Count 2: | 18 VAC 41-20-270.D.1 | \$100.00 |
| Count 3: | 18 VAC 41-20-270.E.2 | \$100.00 |
| In addition RTD agreed to pay Board cost in the amount of: | | \$150.00 |
| | | ----- |
| TOTAL: | | \$550.00 |

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

Board voted to accept the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Sanders, Ms. Howard-Seldon, Mr. Howell, and Ms. Weaver. There were no negative votes. The motion passed unanimously. As the board representative Mr. Quesenberry was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2007-00681, Board v. Minh Q. Nguyen**, the Board reviewed the record, which consisted of the pre-*Informal Fact-Finding Conference Consent Order*. Minh Q. Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-00681 Minh Q Nguyen

By signing the Consent Order, Minh Q. Nguyen acknowledged an understanding of the charges and admitted to the violation(s) of the Count as outlined in the Report of Findings. Minh Q Nguyen consented to the following term(s):

| | | |
|---|----------------------|-----------------|
| Count 1: | 18 VAC 41-20-280.A.1 | \$100.00 |
| In addition Nguyen agreed to pay Board cost in the amount of: | | \$150.00 |
| | | ----- |
| TOTAL: | | \$250.00 |

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

The members voting 'yes' were Mr. Anders, Ms. Sanders, Ms. Howard-Seldon, Mr. Howell, and Ms. Weaver. There were no negative votes. The motion passed unanimously. As the board representative Mr. Quesenberry was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2007-00316, Board v. Hair Horizons Styling Salon**, the Board reviewed the record, which consisted of the pre-*Informal Fact-Finding Conference Consent Order*. Hair Horizons Styling Salon did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-00316 Hair Horizons Styling Salon

By signing the Consent Order, Hair Horizons Styling Salon acknowledged an understanding of the charges and admitted to the violation(s) of the Count as outlined in the Report of Findings. Hair Horizons Styling Salon consented to the following term(s):

| | | |
|--|----------------------|----------|
| Count 1: | 18 VAC 41-20-270.B.6 | \$50.00 |
| Count 2: | 18 VAC 41-20-270.D.1 | \$100.00 |
| Count 3: | 18 VAC 41-20-270.E.1 | \$100.00 |
| Count 4: | 18 VAC 41-20-270.E.5 | \$50.00 |
| In addition Hair Horizons Styling Salon agreed to pay Board cost in the amount of: | | \$150.00 |
| | | ----- |
| TOTAL: | | \$450.00 |

Upon a motion by Mr. Howell and seconded by Ms. Sanders, the Board voted to amend Page 2 of the Consent Order to read Counts 1, 2, 3, 4 instead of Counts 1, 2, 3, 3, and accept the Consent Order.

The members voting 'yes' were Mr. Anders, Ms. Sanders, Ms. Howard-Seldon, Mr. Howell, and Ms. Weaver. There were no negative votes. The motion passed unanimously. As the board representative 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 assumed chair.

**Transfer of chair,
Mr. Quesenberry**

In the matter of **File Number 2007-01291, Board v. Wallace, Alfreda Denise**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Wallace did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number
2007-01291 Wallace,
Alfreda Denise**

Upon a motion by Mr. Howell, and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Ms. Wallace's cosmetologist license application. The Board denies the application based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B.

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

In the matter of **File Number 2006-04711, Board v. Blake, Tyra Vonice**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Blake did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2006-
04711 Blake, Tyra
Vonic**

Upon a motion by Mr. Howell, and seconded by Ms. Weaver, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Ms. Blake's cosmetologist license application. The Board denies the application based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B.

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

The Board was informed that the Body-Piercing Regulations have been approved by the Governor and submitted for publishing in the *Virginia Register*. The regulations are scheduled to be effective on April 1, 2007

**Body-Piercing
Regulations**

The Board reviewed the Summary of Public Comment on the Proposed Esthetics Regulations and responses to the comments that was distributed at the meeting.

**Public Comment –
Proposed Esthetics
Regulations**

Saphonia Gee noted that the most basic exfoliation procedure would remove dead tissue and the application of cream afterwards would be applied to live tissue. Therefore limiting performance to dead tissue would not be applicable.

Laura Todd noted that in the Code of Virginia the definition of esthetics includes 'esthetic is not a healing art and shall not include any practice, activity, or treatment that constitutes the practice of medicine, osteopathic medicine, or chiropractic' and products used by estheticians may be purchased and used without medical authorization.

It was noted that in § 54.1-701 of the Code of Virginia physicians and nurses are exempted.

Upon a motion by Ms. Todd, and seconded by Ms. Gee, the Board voted to approve the responses to public comment. The members voting 'yes' were Mr. Anders, Ms. Gee, Mr. Howell, Ms. Sanders, Ms. Howard-Seldon, Ms. Todd, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

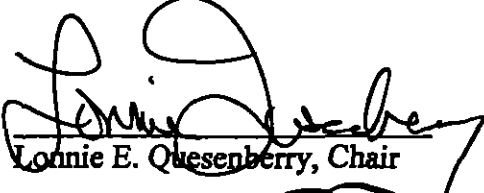
The Board took under consideration the Body-Piercing Regulations. Upon a motion by Ms. Gee, and seconded by Ms. Todd, the Board voted to adopt the esthetics regulations as amended as final regulations

**Esthetics
Regulations**

and authorizing staff the ability to make revisions based on Executive Review. The members voting 'yes' were Mr. Anders, Ms. Gee, Mr. Howell, Ms. Sanders, Ms. Howard-Seldon, Ms. Todd, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

The Board scheduled the next board meeting on April 30, 2007. The Next Board Meeting meeting had been scheduled for May 7, 2007

There being no other business to be brought before the Board, the Adjourn meeting adjourned at 10:25 a.m.


Lonnie E. Quesenberry, Chair


Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of the Records

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

TRANSACTIONAL DISCLOSURE STATEMENT

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

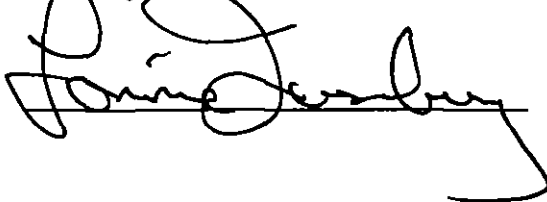
6. I declare that:

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

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature:



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Laura Anne Todd
2. Title: Member - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature: _____


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

TRANSACTIONAL DISCLOSURE STATEMENT

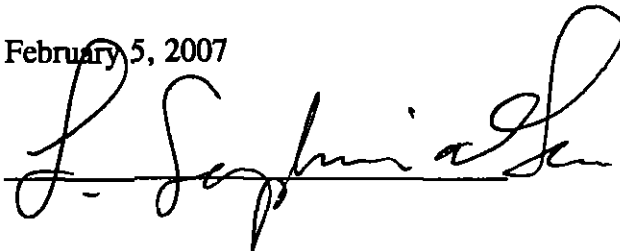
1. Name: Lakeisha Saphonia Gee
2. Title: Member- Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature:



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

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

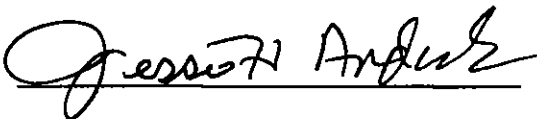
TRANSACTIONAL DISCLOSURE STATEMENT

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

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Gloria L. Howard-Seldon
2. Title: Vice Chair- Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Algie T. Howell III
2. Title: Member - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: NONE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature: Algie T. Howell III

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

TRANSACTIONAL DISCLOSURE STATEMENT

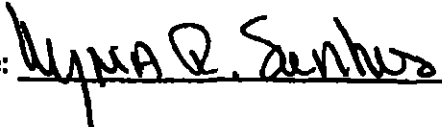
- 1. Name: Virginia Lee Sanders
- 2. Title: Member - Virginia Board for Barbers and Cosmetology
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Jessica B. Weaver
2. Title: Member - Virginia Board for Barbers and Cosmetology
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: February 5, 2007

Signature: J. Weaver