

BOARD FOR BARBERS & COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, October 22, 2007, 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
Hien H. Do
Gloria L. Howard-Seldon
Lonnie E. Quesenberry
Laura A. Todd
Jessica B. Weaver

The following members were absent:

L. Saphonia Gee
Virginia L. Sanders

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

William H. Ferguson, II, Executive Director
Zelda D. Williams, Board Administrator
Earlyne B. Perkins, Legal Analyst
Bonnie Rhea Adams, Director of Compliance and Investigation
Tamika Watson, Administrative Assistant

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

Elizabeth B. Peay, Assistant Attorney General

Mr. Quesenberry, Chair, determined a quorum was present and called Call to Order the meeting to order at 9:15 a.m.

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

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

Mr. Quesenberry asked if there was any public comment. Public Comment

Michele Meinhart, Starkey Medical School of Esthetics, introduced

herself to the Board and said that she came to meet the Board and observe a Board meeting and that she had some questions concerning the esthetics application.

There being no further comment before the Board, the public comment period ended.

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

July 30, 2007 Board for Barbers and Cosmetology board meeting, as amended, and
October 2, 2007 Informal Fact-Finding Conference as written

**Approval of
Minutes for
July 30, 2007
Board Meeting,
October 2, 2007
IFF,**

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

In the matter of **File Number 2007-03029, Board v. Dang, Tieu Lang**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Tieu Lang Dang did not appear at the meeting in person, by counsel, or by any other qualified representative

**File Number
2007-03029, Dang,
Tieu Lang**

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Weaver, 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, in part, and found substantial evidence that Tieu Lang Dang violated the following section of its Regulations.

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

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

Upon a motion by Mr. Quesenberry and seconded by Ms. Weaver, the Board voted to reject the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to be consistent with previous Board action on similar violations of the regulation to impose the following sanctions:

Count 1: 18 VAC 41-20-280.A.3 \$2,500.00

In the matter of **File Number 2007-03013, Board v. Duong, Huong Thu**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Huong Thu Duong did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-03013, Duong, Huong Thu

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Do, 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, in part, and found substantial evidence that Huong Thu Duong violated the following section of its Regulations.

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

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

Upon a motion by Mr. Anders and seconded by Ms. Todd, the Board voted to reject the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to be consistent with previous Board action on similar violations of the regulation to impose the following sanctions:

Count 1:	18 VAC 41-20-280.A.3	\$2,500.00

Total monetary penalty		\$2,500.00

For Count 1, the Board imposed revocation of license number 1201101544 for violation of the regulation.

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

In the matter of **File Number 2007-03023, Board v. Tra, Xuan Thuy Thi**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Xuan Thuy Thi Tra was present and addressed the Board along with translator BeBe Tran.

File Number 2007-03023, Tra, Xuan Thuy Thi

Upon a motion by Ms. Todd and seconded by Ms. Howard-Seldon, 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, in part, and found substantial evidence that Xuan Thuy Thi Tra violated the following section of its Regulations.

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

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

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Todd, the Board voted to reject the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to be consistent with previous Board action on similar violations of the regulation to impose the following sanctions:

Count 1:	18 VAC 41-20-280.A.3	\$2,500.00
Total monetary penalty		----- \$2,500.00

For Count 1, the Board imposed revocation of license number 1201103307 for violation of the regulation.

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

In the matter of **File Number 2007-03025, Board v. Chu, Ha Suk** the Board reviewed the record which consisted of the Consent Order. Ha Suk Chu did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2007-03025, Chu, Ha Suk

By signing the Consent Order, Ha Suk Chu acknowledges an understanding of the charges and hereby admits to the violation of the Count 1 as outlined in the Report of Findings. Ha Suk Chu consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$2,500.00
Board costs		\$150.00
Total monetary penalty		----- \$2,650.00

In addition, for violation of Count 1, Ha Suk Chu agrees to license revocation of license number 1201102952.

Upon a motion by Ms. Todd and seconded by Ms. Howard-Seldon, the Board voted to accept the Consent Order.

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

In the matter of **File Number 2008-01071 Board v. Simpson, Charles** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Charles Simpson addressed the Board via speakerphone. **File Number 2008-01071, Simpson, Charles**

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

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

In the matter of **File Number 2008-01127, Board v. Wyatt, Dwight** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Dwight Wyatt did not appear at the meeting in person, by counsel, or by any other qualified representative. **File Number 2008-01127, Wyatt, Dwight**

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

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

In the matter of **File Number 2008-01068, Board v. Brickhouse, Tamilee** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Tamilee Brickhouse appeared at the board meeting and addressed the Board. **File Number 2008-01068, Brickhouse, Tamilee**

Upon a motion by Ms. Howard-Seldon, and seconded by Mr. Anders, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference and approve Tamilee Brickhouse's

license application.

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

In the matter of **File Number 2008-01128, Board v. Eley, Kimberly** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Kimberly Eley, appeared at the board meeting and addressed the Board.

File Number 2008-01128, Eley, Kimberly

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

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

In the matter of **File Number 2008-01070, Board v. Llerandi, Rosalba** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Rosalba Llerandi appeared at the board meeting and addressed the Board.

File Number 2008-01070, Llerandi, Rosalba

Upon a motion by Mr. Anders and seconded by Ms. Howard-Seldon, the Board voted to take no action and refer Rosalba Llerandi's application back to licensing staff for further review.

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

In the matter of **File Number 2008-01072, Board v. Vines, Earnest Jr.** the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Earnest Vines appeared at the board meeting and addressed the Board.

File Number 2008-01072, Vines, Earnest Jr.

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 Earnest Vines, Jr.'s license application.

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

At 10:52 a.m. the board take a recess and returned 11:17 a.m.

Break

The Board was updated that Esthetics Regulations went into effect September 20, 2007 and applications are being received/processed

Esthetics

The Board was informed that the Request For Proposal (RFP) for Master Esthetician Practical Examination ended October 17, 2007; no proposal were received; the DPOR Procurement Office will be contacting vendors to obtain information concerning the proposal; and that the current testing contract expires in December 2010 and the Board could consider options on developing a RFP at that time.

The Board was informed that pertaining to licensure by waiver of the examination, schools and businesses should not communicate to potential attendees that by attending their training course they will fulfill the requirement for licensure by waiver of the examination. All training will be assessed in the context of the total training completed. The Board and public were informed to contact the Board office if they are aware of such a situation.

Mr. Anders reported on his attendance at the NABBA conference September 15-21, 2007, in Orlando, Florida. He reported that "Teamwork" was the conference theme and there was discussion of how states could work together to have the same licensure (education hours, tests) requirements to assist in reciprocity. The entitlement of the barber pole was discussed. The 2008 conference will be held in Washington, DC.

**National Association
of Barber Boards of
America 2007
Conference Report**

Mr. Quesenberry and Zelda Williams reported on their attendance at the NIC annual conference and the NIC's board administrator's conference August 24-27, 2007, in Rapid City, South Dakota. The theme for NIC's 2007 Annual Conference was "Synergy Creates Building Blocks for Tomorrow". The sessions addressed topics such as Roberts Rules of Order, educational alternatives to disciplinary actions, pandemic preparations, two-tier esthetics, examination cheaters and consequences, newsletter design, cyber safety, conducting Board business, and board member training. The 2008 conference will be held in Jackson Hole, Wyoming.

**National-Interstate
Council of State
Boards of
Cosmetology 2007
Conference-Report**

Disciplinary Education

Other Board

The Board discussed including remedial education as part of Consent Orders and including in future regulatory review of regulations.

Business

Complaint Forms

The form letter sent to complainants was discussed. The concern was that the letter indicated that the respondent might be forewarned of an inspection. Bonnie Rhea Adams informed the Board that the appropriate communication was determined by the type of investigation needed.

Quarterly Newsletter

The Board discussed the possibility of a newsletter to communicate pertinent issues and actions to licensees. Staff will research developing a newsletter that would be distributed electronically.

Methacrylate monomer (MMA)

Board discussed MMA, a product used as a bonding agent during the application of acrylic nails which the FDA has concluded to be a poisonous and deleterious (causing injury) substance that should not be used in fingernail preparations. Board regulations prohibit use of products banned by FDA.

Training

15 minute Board member training that was presented at the NIC conference was discussed. Board staff will provide to DPOR staff for review.

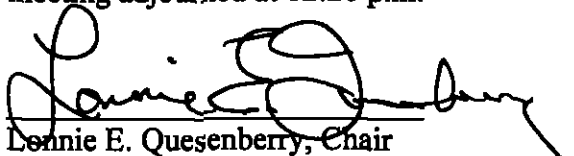
Board Member

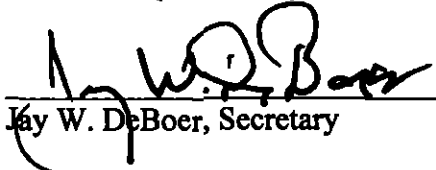
Board was informed of the resignation of Ms. Girardi and Mr. Howell, and that appointments are handled by the Office of the Secretary of the Commonwealth.

Next Meeting

The next meeting date will be January 28, 2008.

There being no other business to be brought before the Board, the **Adjourn** meeting adjourned at 12:20 p.m.


Lennie E. Quesenberry, Chair


Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of the Records

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

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

1. Name: Ann-Marie Brigil
Title: Presiding Officer
3. Agency: Board for Barbers and Cosmetology
4. Transaction: Informal Fact-Finding Conferences on October 2, 2007
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:

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

Ann Marie Brigil
Signature

10/2/07
Date

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

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

1. Name: Amy Chappell
Title: Presiding Officer
3. Agency: Board for Barbers and Cosmetology
4. Transaction: Informal Fact-Finding Conferences on October 2, 2007
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:

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

A Chappell
Signature

10/2/07
Date

**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: October 22, 2007

Signature: 

**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: _____

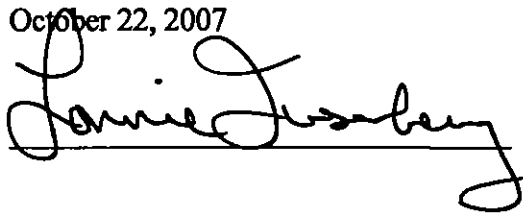
6. I declare that:

(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: October 22, 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: October 22, 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: October 22, 2007

Signature: J. Weaver

**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: October 22, 2007

Signature: Jessie Harold Anders

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Hien Huu Do
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:

October 22, 2007

Signature:

