

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, May 13, 2019, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia. The following board members were present:

Gilda Acosta
Darrin L. Hill
Margaret B. LaPierre
Josie R. Mace
Alfred O. Mayes
Anne R. McCaffrey
Lonnie Quesenberry
Matthew D. Roberts
Daniella Tsamouras

The following board members were not present:

Oanh Pham Kim “Tina” Dang

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

Mary Broz-Vaughan, Acting Director
Stephen Kirschner, Regulatory Operations Administrator
Tamika Rodriguez, Licensing Operations Administrator
Cathy Clark, Administrative Assistant

Representative from the Office of the Attorney General was present for all or part of the meeting:

Josh Laws, Assistant Attorney General

Mr. Quesenberry, Chair, determined a quorum was present and called the meeting to order at 9:03 a.m.

Call to Order

The Board took the agenda under consideration. Mr. Quesenberry asked for any amendments. Mr. Kirschner stated that three cases were removed from the Agenda, including Agenda items 14 and 15, Case Number 2016-03109, Ngoc Anh T. Pham, and Case Number 2016-03144, Le Hang T. Nguyen, which were removed for administrative reasons; and Agenda item 16, Case Number 2016-03140, Leakhena Koy, which was removed to be reconsidered at an Informal Fact Finding conference.

Approval of Agenda

Upon a motion by Ms. Tsamouras and seconded by Ms. LaPierre, the Board

voted to adopt the amended Agenda.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the March 11, 2019 Board Meeting and the April 1, 2019 minutes of the Tattoo and Body Piercing Regulations Committee Meeting under consideration. Mr. Quesenberry asked for any amendments. There were none.

Upon a motion by Ms. Tsamouras and seconded by Ms. Mace, the Board voted to approve the minutes.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

There were no written communications to review.

Mr. Quesenberry asked if there was any public comment.

Ms. Debbie Wiseman addressed the Board regarding her support of the Board's consideration of a basic hair stylist license that does not include skin and nail care practices.

Ms. Leah Ann Smith addressed the Board regarding previous remarks she made to the Board at the August 2018 on issues related to her application to obtain a Virginia cosmetologist license by endorsement from West Virginia, after it was determined by staff that Ms. Smith did not meet the qualifications for a license by endorsement. Ms. Smith expressed her dissatisfaction with the level of service she received during her application process and the Board's failure to respond to her previous visit and remarks. Ms. Smith provided the Board staff with a copy of today's remarks.

Mr. Quesenberry recused himself from the meeting, and Ms. LaPierre, Vice-Chair, assumed the Chair.

In the matter of **File Number 2017-00626, Mass Flow Beauty Salon & Barber Shop LLC**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Mass Flow Beauty Salon & Barber Shop did

**Approval of
Minutes for the
March 11, 2019
Board Meeting
and the April 1,
2019 Tattoo and
Body Piercing
Regulations
Committee
Meeting**

Communication

Public Comment

Cases

**Mr. Quesenberry
Recused**

**File Number 2017-
00626, Mass Flow
Beauty Salon &
Barber Shop LLC**

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

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Mr. Roberts, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Mass Flow Beauty Salon & Barber Shop LLC violated the following section of its Regulations:

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

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Ms. Mace, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

| | | |
|----------------------------|----------------------|-------------|
| Count 1: | 18 VAC 41-20-280.C.2 | \$ 2,500.00 |
| | | ----- |
| TOTAL (MONETARY PENALTIES) | | \$ 2,500.00 |

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

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

See page 15 of these minutes for Board action to reconsider this case.

In the matter of **File Number 2017-01213, Nail Art**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Mr. Thong Thai appeared at the meeting in person and addressed the Board on behalf of Nail Art.

File Number 2017-01213, Nail Art

Concerning Counts 1 and 2, upon a motion by Mr. Roberts and seconded by Mr. Mayes, the Board adopted the Report of Findings which contains the facts

regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Nail Art violated the following sections of its Regulations:

- Count 1: 18 VAC 41-20-260.C
- Count 2: 18 VAC 41-20-280.14

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Mr. Roberts, and Ms. Tsamouras. The member abstaining was Ms. McCaffrey. There were no negative votes. The motion passed unanimously.

Concerning Counts 1 and 2, upon a motion by Ms. Tsamouras and seconded by Ms. Acosta, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

| | | |
|----------------------------|---------------------|-------------|
| Count 1: | 18 VAC 41-20-260.C | \$ 450.00 |
| Count 2: | 18 VAC 41-20-280.14 | \$ 2,100.00 |
| | | ----- |
| TOTAL (MONETARY PENALTIES) | | \$ 2,550.00 |

The Board also imposes the following sanction:

License revocation is imposed for violation of Count 2.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Mr. Roberts, and Ms. Tsamouras. The member abstaining was Ms. McCaffrey. There were no negative votes. The motion passed unanimously.

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

In the matter of **File Number 2018-01548, Modesta F. Nzekwesi-Albert**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Modesta F. Nzekwesi-Albert appeared at the meeting in person and addressed the Board.

File Number 2018-01548, Modesta F. Nzekwesi-Albert

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Ms. McCaffrey, the Board adopted the Report of Findings which contains the facts

regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Modesta F. Nzekwesi-Albert violated the following section of its Regulations:

Count 1: 18 VAC 41-20-280.4

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

| | | |
|----------------------------|--------------------|-------------|
| Count 1: | 18 VAC 41-20-280.4 | \$ 1,350.00 |
| | | ----- |
| TOTAL (MONETARY PENALTIES) | | \$ 1,350.00 |

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

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

Mr. Roberts recused himself from the meeting.

Mr. Roberts
Recused

In the matter of **File Number 2018-02572, Li Fang Yang, dba Venus Nails**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Li Fang Yang did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-
02572, Li Fang
Yang dba Venus
Nails

Concerning Counts 1, 2, 3, 4, and 5, upon a motion by Mr. Hill and seconded by Ms. Mace, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Li Fang Yang dba Venus Nails violated the following sections of its Regulations:

- Count 1: 18 VAC 41-20-280.4
- Count 2: 18 VAC 41-20-270.B.2
- Count 3: 18 VAC 41-20-270.B.6
- Count 4: 18 VAC 41-20-270.B.7
- Count 5: 18 VAC 41-20-270.C.1

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Concerning Counts 1, 2, 3, 4, and 5, upon a motion by Mr. Hill and seconded by Ms. Mace, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

| | | |
|----------------------------|----------------------|-------------|
| Count 1: | 18 VAC 41-20-280.4 | \$ 1,350.00 |
| Count 2: | 18 VAC 41-20-270.B.2 | \$ 300.00 |
| Count 3: | 18 VAC 41-20-270.B.6 | \$ 50.00 |
| Count 4: | 18 VAC 41-20-270.B.7 | \$ 50.00 |
| Count 5: | 18 VAC 41-20-270.C.1 | \$ 100.00 |
| | | ----- |
| TOTAL (MONETARY PENALTIES) | | \$ 1,850.00 |

The Board also imposes the following sanction:

License revocation is imposed for violation of Count 1.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

As Board representatives in this case, Mr. Quesenberry and Mr. Roberts were not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2018-03189, Li Fang Yang**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Li Fang Yang did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-03189, Li Fang Yang

Concerning Count 1, upon a motion by Mr. Hill and seconded by Ms. Mace, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Li Fang Yang violated the following section of its Regulations:

Count 1: 18 VAC 41-20-280.14

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Concerning Count 1, upon a motion by Ms. Mace and seconded by Mr. Hill, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

| | | | |
|----------------------------|---------------------|-------|------|
| Count 1: | 18 VAC 41-20-280.14 | \$ | 0.00 |
| | | ----- | |
| TOTAL (MONETARY PENALTIES) | | \$ | 0.00 |

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

As Board representatives in this case, Mr. Quesenberry and Mr. Roberts were not present, did not participate in the discussion, and did not vote on this matter.

Mr. Quesenberry and Mr. Roberts returned to the meeting, and Mr. Quesenberry assumed the Chair.

Ms. LaPierre recused herself from the meeting.

Ms. LaPierre
Recused

In the matter of **File Number 2018-03013, American Spirit Enterprises LLC**, the Board reviewed the record, which consisted of the Consent Order. American Spirit Enterprises did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-
03013, American
Spirit Enterprises
LLC

By signing the Consent Order, American Spirit Enterprises LLC acknowledges an understanding of the charges and admits to the violation of the Count as

outlined in the Report of Findings and consents to the following term(s):

| | | |
|--------------------------------|--------------------|-------------|
| Count 1: | 18 VAC 41-20-240.A | \$ 1,250.00 |
| | | ----- |
| SUB-TOTAL (MONETARY PENALTIES) | | \$ 1,250.00 |
| BOARD COSTS | | \$ 150.00 |
| TOTAL | | \$ 1,400.00 |

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

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

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

Ms. LaPierre returned to the meeting.

In the matter of **File Number 2018-03355, Salon Universal Paulino LP**, the Board reviewed the record, which consisted of the Consent Order. American Mr. Jose Paulino, Responsible Manager for Salon Universal Paulino LP, appeared at the meeting in person and addressed the Board.

File Number 2018-03355, Salon Universal Paulino LP

Upon a motion by Mr. Hill, and seconded by Mr. Mayes, to accept the Consent Order, a Board discussion ensued. Mr. Quesenberry expressed concern about the number of times inspectors discovered unlicensed activity at the salon. During the Board discussion, Ms. Acosta asked to address Mr. Paulino in Spanish. Mr. Laws indicated that Ms. Acosta was required to be sworn in in order to address Mr. Paulino individually in Spanish, and he did so. After her discussion with Mr. Paulino, Ms. Acosta indicated to the Board that Mr. Paulino did not fully understand the terms of the Consent Order.

Mr. Hill rescinded his motion and made a new motion, seconded by Mr. Mayes, to forward the case to Adjudication for an Informal Fact Finding Conference.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

reviewed the record, which consisted of the Consent Order. N 2 Hair did not appear at the meeting in person, by counsel, or by any other qualified representative.

**00583, N 2 Hair
dba N 2 Hair**

By signing the Consent Order, N 2 Hair acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

| | | |
|----------|--------------------------------|-------------|
| Count 1: | 18 VAC 41-20-280.4 | \$ 1,350.00 |
| | | ----- |
| | SUB-TOTAL (MONETARY PENALTIES) | \$ 1,350.00 |
| | BOARD COSTS | \$ 150.00 |
| | TOTAL | \$ 1,500.00 |

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

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-00747, Bay Bliss Day Spa, Inc.**, the Board reviewed the record, which consisted of the Consent Order. Bay Bliss Day Spa, Inc. did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2019-
00747, Bay Bliss
Day Spa, Inc.**

By signing the Consent Order, Bay Bliss Day Spa, Inc. acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

| | | |
|----------|--------------------------------|-------------|
| Count 1: | 18 VAC 41-20-280.4 | \$ 1,350.00 |
| | | ----- |
| | SUB-TOTAL (MONETARY PENALTIES) | \$ 1,350.00 |
| | BOARD COSTS | \$ 150.00 |
| | TOTAL | \$ 1,500.00 |

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

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms.

Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-00869, Fannie Le Tran dba California Nails**, the Board reviewed the record, which consisted of the Consent Order. Fannie Le Tran did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-00869, Fannie Le Tran dba California Nails

By signing the Consent Order, Fannie Le Tran acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

| | | |
|--------------------------------|----------------------|-----------|
| Count 1: | 18 VAC 41-20-260.A | \$ 100.00 |
| Count 2: | 18 VAC 41-20-270.I | \$ 50.00 |
| Count 3: | 18 VAC 41-20-280.4 | \$ 200.00 |
| Count 4: | 18 VAC 41-20-270.B.3 | \$ 100.00 |
| Count 5: | 18 VAC 41-20-270.B.8 | \$ 150.00 |
| | | ----- |
| SUB-TOTAL (MONETARY PENALTIES) | | \$ 600.00 |
| BOARD COSTS | | \$ 150.00 |
| TOTAL | | \$ 750.00 |

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

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Ms. Tsamouras. The member voting 'no' was Mr. Roberts. The motion passed by a majority.

In the matter of **File Number 2016-03214, Dung Mai Diu Nguyen**, the Board reviewed the record, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Dung Mai Diu Nguyen did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number 2016-03214 Dung Mai Diu Nguyen

Concerning Counts 1 and 2, upon a motion by Mr. Roberts and seconded by Ms. Mace, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Dung Mai Diu Nguyen violated the following sections of its Regulations:

| | |
|----------|----------------------|
| Count 1: | 18 VAC 41-20-280.A.3 |
| Count 2: | 18 VAC 41-20-280.6 |

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Concerning Counts 1 and 2, upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the sanctions contained in the Recommendation and to impose the following sanction(s):

| | | |
|----------|---|----------------------|
| Count 1: | 18 VAC 41-20-280.A.3 (Two violations at \$2,500.00 each) | \$ 5,000.00 |
| Count 2: | 18 VAC 41-20-280.6 | \$ 2,500.00 |
| TOTAL | | ----- \$ 7,500.00 |

The Board also imposes the following sanction: Revocation of Dung Mai Diu Nguyen's cosmetologist license number 1201119587, for violation of Counts 1 and 2.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01800, Brent Keelan Hagy**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Brent Keelan Hagy did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-01800, Brent Keelan Hagy

Upon a motion by Mr. Hill and seconded by Ms. Mace, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Brent Keelan Hagy's Barber license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01810, Amanda Elizabeth Hudson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Amanda Elizabeth Hudson did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-01810, Amanda Elizabeth Hudson

Upon a motion by Ms. Mace and seconded by Mr. Hill, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Amanda Elizabeth Hudson's Cosmetologist reinstatement application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01922, Kendall Adair Sloane dba Kendall's Kutz**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Kendall Adair Sloane did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-01922, Kendall Adair Sloane dba Kendall's Kutz

Upon a motion by Mr. Hill and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Kendall Adair Sloane's Barber Shop license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01937, Wendy Leigh Sprouse**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Amy Walton, Cosmetology Instructor at the Virginia Correctional Center for Women, appeared at the meeting in person and addressed the Board on behalf of Wendy Leigh Sprouse.

File Number 2019-01937, Wendy Leigh Sprouse

Upon a motion by Mr. Roberts and seconded by Mr. Quesenberry, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Wendy Leigh Sprouse's Cosmetologist license application.

The members voting 'yes' were Mr. Quesenberry and Mr. Roberts. The members voting 'no' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, and Ms. Tsamouras. The motion failed.

After some discussion, and upon a motion by Mr. Hill and seconded by Ms. Mace, the Board voted to reject the recommendation in the Summary of the

Informal Fact-Finding Conference and approve Wendy Leigh Sprouse's Cosmetologist license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, and Ms. Tsamouras. The members voting 'no' were Mr. Quesenberry, Mr. Roberts. The motion passed by a majority.

Mr. Mayes temporarily left the meeting.

Mr. Mayes left the meeting

In the matter of **File Number 2019-01942, Erika Marie Sullivan**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Erika Marie Sullivan did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-01942, Erika Marie Sullivan

Upon a motion by Ms. Tsamouras and seconded by Mr. Hill, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Erika Marie Sullivan's Nail Technician application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Mr. Mayes was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2019-01947, Chelsea Alexandra Kidwell**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Chelsea Alexandra Kidwell appeared at the meeting in person and addressed the Board.

File Number 2019-01947, Chelsea Alexandra Kidwell

Upon a motion by Mr. Roberts and seconded by Ms. Tsamouras, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Chelsea Alexandra Kidwell's Esthetician license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Mr. Mayes was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Mayes returned to the meeting.

In the matter of **File Number 2019-01966, Tracy James Denson, Jr.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Tracy James Denson, Jr. appeared at the meeting in person and addressed the Board.

File Number 2019-01966, Tracy James Denson, Jr.

Upon a motion by Ms. Mace and seconded by Mr. Hill, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Tracy James Denson, Jr.'s Barber license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01967, Desiree Anne Reincke**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Desiree Anne Reincke appeared at the meeting in person and addressed the Board. Paul Kakol, witness, was also present and addressed the Board.

File Number 2019-01967, Desiree Anne Reincke

Upon a motion by Ms. Mace and seconded by Mr. Hill, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Desiree Anne Reincke's Cosmetologist license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01980, Leanne Carol Grubb**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Leanne Carol Grubb appeared at the meeting in person and addressed the Board.

File Number 2019-01980, Leanne Carol Grubb

Upon a motion by Ms. Mace and seconded by Mr. Hill, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Leanne Carol Grubb's Nail Technician license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms.

Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-01988, Linda Ann Salgado**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Amy Walton, Cosmetology Instructor at the Virginia Correctional Center for Women, appeared at the meeting in person and addressed the Board on behalf of Linda Ann Salgado.

File Number 2019-01988, Linda Ann Salgado

Upon a motion by Ms. Mace and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Linda Ann Salgado's Cosmetologist license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02021**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Gretchen Antonette Ashburg appeared at the meeting in person and addressed the Board.

File Number 2019-02021, Gretchen Antonette Ashburg

Ms. LaPierre made a motion, seconded by Mr. Roberts, to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Gretchen Antonette Ashburg's Cosmetologist license application

After some discussion, Ms. LaPierre, seconded by Mr. Roberts rescinded her earlier motion.

Ms. LaPierre, seconded by Ms. McCaffrey, made a motion to reject the recommendation in the Summary of the Informal Fact-Finding Conference and approve Gretchen Antonette Ashburg's Cosmetologist license application.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

During a break in the meeting at 10:42 a.m., Vianney DeLeon, of Mass Flow Beauty Salon & Barber Shop LLC, approached Board staff to report that she had missed the call for persons who wished to speak to the case and to ask that the Board reconsider the case. A motion was made by Ms. Tsamouras and seconded by Mr. Roberts to reconsider File Number 2017-00626, Mass Flow

Motion to Reconsider - File Number 2017-00626, Mass Flow Beauty Salon &

Beauty Salon & Barber Shop LLC.

Barber Shop LLC

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Mr. Quesenberry recused himself from the meeting, and Ms. LaPierre, Vice-Chair, assumed the Chair.

**Mr. Quesenberry
Recused**

In the matter of **File Number 2017-00626, Mass Flow Beauty Salon & Barber Shop LLC**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcript and exhibits. Vianney DeLeon, representing Mass Flow Beauty Salon & Barber Shop LLC, addressed the Board.

**File Number 2017-
00626, Mass Flow
Beauty Salon &
Barber Shop LLC**

Concerning Count 1, upon a motion by Mr. Roberts and seconded by Ms. Mace, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference, and found substantial evidence that Mass Flow Beauty Salon & Barber Shop LLC violated the following section of its Regulations:

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

The members voting 'yes' were Ms. Acosta, Ms. LaPierre, Ms. Mace, Ms. McCaffrey, Mr. Roberts, and Ms. Tsamouras. The members voting 'no' were Mr. Hill and Mr. Mayes. The motion passed by a majority.

Concerning Count 1, upon a motion by Ms. Tsamouras and seconded by Mr. Roberts, the Board voted to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference and to impose the following sanction(s):

| | | |
|----------------------------|----------------------|-------------|
| Count 1: | 18 VAC 41-20-280.C.2 | \$ 2,500.00 |
| | | ----- |
| TOTAL (MONETARY PENALTIES) | | \$ 2,500.00 |

The members voting 'yes' were Ms. Acosta, Ms. LaPierre, Ms. Mace, Ms. McCaffrey, Mr. Roberts, and Ms. Tsamouras. The members voting 'no' were Mr. Hill and Mr. Mayes. The motion passed by a majority.

As a Board representative in this case, Mr. Quesenberry was not present, did

not participate in the discussion, and did not vote on this matter.

Mr. Quesenberry returned to the meeting.

Ms. Rodriguez reported to the Board on current pass rates for barbers and cosmetology related examinations as compared to pass rates for 2018. She indicated that pass rates have remained consistent across the professions, with the exception of Barber theory pass rates, which have decreased to approximately 41% since 2018. In addition, Nail Technician theory pass rates have improved to 58% over the 2018 results, and Esthetician and Master Esthetician pass rates have also increased slightly.

Mr. Kirschner advised the Board that the laws and regulations section of the exam has not been subject to a review in some time, and staff would like to conduct an exam review meeting in September 2019. After discussion, the consensus was to convene this review following the September 9, 2019 Board meeting. Mr. Kirschner asked for Board members to consider volunteering to serve on the committee. Ms. Mace, Mr. Roberts, and Mr. Quesenberry have tentatively volunteered to take part.

Mr. Kirschner reported to the Board on the progress of the Request for Proposals (RFP) currently underway to award a new contract for administering examinations for barbers and cosmetology professions.

Mr. Kirschner reported that the Tattoo and Body Piercing Regulations Review Committee will continue to meet and consider revisions to the regulations.

Mr. Kirschner also advised the Board that the fast-track regulatory action to amend and update the disinfectant terminology in the Barbers and Cosmetology Regulations related to sanitation and safety standards for shops, salons, and schools is still in progress and is currently in review by the Department of Planning and Budget.

Mr. Kirschner advised the Board that, during the development of the Agency Statement for the regulatory action approved at the March 11, 2019 meeting, it was discovered that a typographical error, referring to shops and salons in

EXAMINATIONS

Exam Statistics

Laws and Regulations Exam Review, September 2019

Examination RFP Committee Report

REGULATORY ACTION AND BOARD GUIDANCE

Regulatory Report

Typographical Correction in the Esthetics

Regulation 18VAC41-70-260, needs to be corrected to refer to spas only. Mr. Kirschner requested that the Board incorporate a correction for this error in the regulatory action on apprenticeship cards approved at the previous meeting.

Regulations

Upon a motion by Mr. Hill and seconded by Ms. Mace, the Board voted to include a correction to remove the references to shops and salons from the esthetics regulations as part of its action to remove references to apprenticeship cards in its regulations.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Mr. Kirschner advised the Board that a periodic review of all of the Board's regulations is required in 2019. The Department will initiate a public comment period beginning in June 2019, after which the Board will review the public comments and make the decision whether or not regulatory changes are warranted.

**Upcoming
Periodic Review.**

Mr. Kirschner reviewed with the Board a proposed Guidance Document regarding master barber endorsement applications and responded to questions from the Board. (See Addendum 1)

**Guidance
Document –
Master Barber
Endorsement –
What is “Licensed
to Practice as a
Master Barber”
under 18 VAC 41-
20-30?**

Upon a motion by Mr. Roberts and seconded by Ms. Mace, the Board voted to adopt the Guidance Document that individuals whose out-of-state barber or master barber license allows them to perform the services that fall under the master barber license in Virginia are considered licensed to practice as a master barber for the purpose of endorsement.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Ms. Mace, Mr. Mayes, Mr. Quesenberry, Mr. Roberts, and Ms. Tsamouras. There were no negative votes. The motion passed unanimously.

Ms. McCaffrey left the meeting at 11:30 a.m., was not present, did not participate in the discussion, and did not vote on this matter.

NEW BUSINESS

Mr. Kirschner reminded the Board that it had expressed its desire to form a standing committee to review the training programs for the various Barbers and Cosmetology professions and that the Board agreed to have its first meeting immediately follow the regularly scheduled Board meeting on July 29, 2019. Mr. Kirschner indicated to the Board that he would need a minimum of five members to participate on the committee and responded to questions from

**Standing
Committee
Starting July 29,
2019**

the Board.

Mr. Kirschner review the importance of Board members participating in Informal Fact-Finding Conferences when necessary asked the Board member to indicate to him or Ms. Clark if they are willing to serve as hearing officers..

**Informal Fact
Finding
Conference
Participation**

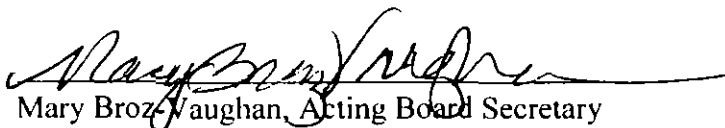
Ms. Tsamouras spoke specifically to the case of Leah Ann Smith, who addressed the Board at this meeting and expressed the importance of providing a written response to persons who address the Board during the Public Comment period of the meetings. .

**Response to Public
Comments**

There being no further business to be brought before the Board, Mr. Quesenberry adjourned the meeting at 11:55 a.m.

Adjourn


Lonnie Quesenberry, Board Chair


Mary Broz Vaughan, Acting Board Secretary

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

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

1. Name: Gilda Acosta
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interested in any transactions taken at this meeting.

Signature

Date

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


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

1. Name: Rev. Darrin L. Hill
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interested in any transactions taken at this meeting.



Signature

April 13, 2019
Date

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

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

1. Name: Margaret B LaPierre
2. Title: Board Vice-Chair
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

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

Margaret LaPierre
Signature

5/13/2019
Date

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


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

1. Name: Josie R. Mace
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interested in any transactions taken at this meeting.


Signature

5/13/19
Date

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

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

1. Name: Alfred O. Mayes
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interested in any transactions taken at this meeting.

Signature

Date

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

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

1. Name: Anne R. McCaffrey
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

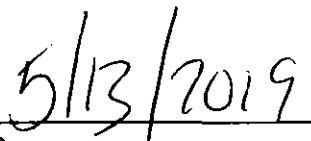
Nature of Personal Interest Affected by Transaction: _____

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- or
- I did not participate in the transaction.
6. I do not have a personal interested in any transactions taken at this meeting.



Signature



Date

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

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

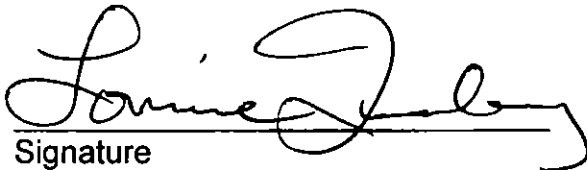
1. Name: Lonnie Quesenberry
2. Title: Board Chair
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
or
 I did not participate in the transaction.

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


Signature

5-13-19
Date

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

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

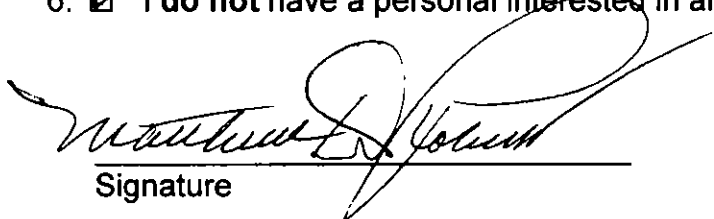
1. Name: Matthew D. Roberts
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

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



Signature

5-13-19

Date

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

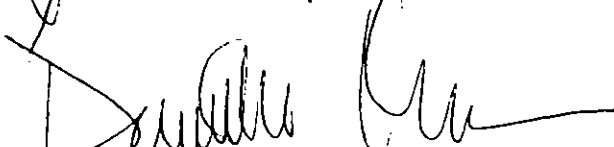
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

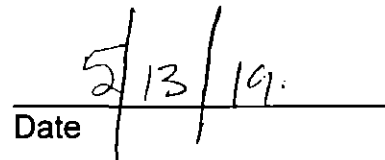
1. Name: Daniella Tsamouras
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: May 13, 2019
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.


Signature


Date