

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, July 29, 2019, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 1, Richmond, Virginia. The following board members were present:

Gilda Acosta
Oanh Pham Kim Dang
Darrin L. Hill
Margaret B. LaPierre
Alfred O. Mayes
Anne R. McCaffrey
Lonnie Quesenberry
Matthew D. Roberts

The following board members were not present

Josie R. Mace
Daniella Tsamouras

DPOR staff present for all or part of the meeting

Mary Broz-Vaughan, Act
Stephen Kirschner, Regul
Tamika Rodriguez, Licen:
Cathy Clark, Administrative Assistant

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

Elizabeth Peay, Assistant Attorney General

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

Call to Order

The Board took the agenda under consideration. Mr. Quesenberry asked for any amendments. Mr. Kirschner stated that an item had been added to the Agenda. Mr. Dylan Avatar, of Merit, a professional credentialing company with which DPOR has partnered, would provide an overview of the services provided by the company. The remarks would take place prior to the in-service training under New Business.

Approval of Agenda

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to adopt the amended Agenda.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no

negative votes. The motion passed unanimously.

The Board took the minutes of the May 13, 2019 Board Meeting under consideration. Mr. Quesenberry asked for any amendments. There were none.

**Approval of
Minutes for the
May 13, 2019
Board Meeting**

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to approve the minutes.

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

The Board was provided with copies of the New Edition of *Milady Standard Esthetics: Fundamentals*, May 9, 2019, from Slavik Volinsky, Marketing Director at Milady.

Communication

Mr. Quesenberry asked if there was any public comment.

Public Comment

Ms. Julia Mates and her husband, Scott Mates, addressed the Board on the requirements to obtain a permanent cosmetic tattooer license in Virginia and the potential for including transfer hours from other programs to meet the examination requirements for permanent cosmetic tattooer. The Board took Mr. and Mrs. Mates' remarks and questions under advisement for further discussion.

Cases

In the matter of **File Number 2017-02289, Xuan T. Le**, the Board reviewed the record, which consisted of the Consent Order. Xuan T. Le did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2017-02289, Xuan T. Le

By signing the Consent Order, Xuan T. Le 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.A.3	\$ 1,500.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 1,500.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 1,650.00

In addition, for violation of Count 1, Xuan T. Le agrees to revocation of her Cosmetologist license, number 1201119293.

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

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

Ms. Dang and Mr. Roberts recused themselves from the meeting

Ms. Dang and Mr. Roberts Recused

In the matter of **File Number 2018-02863, Fashion Nails & Spa LLC**, the Board reviewed the record, which consisted of the Consent Order. Fashion Nails & Spa LLC did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-02863, Fashion Nails & Spa LLC

By signing the Consent Order, Fashion Nails & Spa 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 41-20-270.E.1	\$ 50.00
Count 2:	18 VAC 41-20-270.I	\$ 50.00
Count 3:	18 VAC 41-20-270.C.4	\$ 100.00
Count 4:	18 VAC 41-20-270.B.7	\$ 50.00
Count 5:	18 VAC 41-20-270.B.6	\$ 50.00
Count 6:	18 VAC 41-20-270.B.8	\$ 100.00
Count 7:	18 VAC 41-20-270.E.2	\$ 100.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 500.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 650.00

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

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

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

Ms. Dang and Mr. Roberts returned to the meeting.

In the matter of **File Numbers 2019-01946 and 2019-01948, LaShawna Stacy Gardner**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding

File Numbers 2019-01946 and 2019-01948

Conference. LaShawna Stacy Gardner appeared at the meeting in person and addressed the Board.

LaShawna Stacy Gardner

Upon a motion by Mr. Roberts and seconded by Mr. Hill, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve LaShawna Stacy Gardner's esthetician reinstatement application and her master esthetician license application.

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

In the matter of **File Number 2019-02187, Tiffany Frances Jenkins**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Tiffany Frances Jenkins appeared at the meeting in person and addressed the Board.

File Number 2019-02187, Tiffany Frances Jenkins

Upon a motion by Mr. Hill and seconded by Ms. McCaffrey, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Tiffany Frances Jenkins' cosmetology instructor reinstatement application.

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

In the matter of **File Number 2019-02188, Naemah Aisha Payton dba 1029**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Naemah Aisha Payton did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-02188, Naemah Aisha Payton dba 1029

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Naemah Aisha Payton' barber shop license renewal.

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

In the matter of **File Number 2019-02459, Amanda Diane Jones**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Amanda Diane Jones appeared at the meeting in person and addressed the Board.

File Number 2019-02459, Amanda Diane Jones

Upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Amanda Diane Jones' cosmetologist license application.

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

In the matter of **File Number 2019-02478, Candice Elaine Ragland**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Candice Elaine Ragland appeared at the meeting in person and addressed the Board.

File Number 2019-02478, Candice Elaine Ragland

Upon a motion by Mr. Hill and seconded by Ms. LaPierre, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Candice Elaine Ragland's cosmetologist license application.

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

In the matter of **File Number 2019-02567, Russell Meadows**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Russell Meadows appeared at the meeting in person and addressed the Board.

File Number 2019-02567, Russell Meadows

Upon a motion by Mr. Roberts and seconded by Mr. Mayes, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Russell Meadows' barber license application.

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

In the matter of **File Number 2019-02637, Xuan N. Nguyen**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Xuan N. Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-02637, Xuan N. Nguyen

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Xuan N. Nguyen's nail technician license application.

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

In the matter of **File Number 2019-02638, Joseph Edward Stevens**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Joseph Edward Stevens did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2019-02638, Joseph Edward Stevens

Upon a motion by Ms. Acosta and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Joseph Edward Stevens' limited term tattooer license application.

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

In the matter of **File Number 2019-02714, Kathie Sue Crum**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Kathie Sue Crum, and her sister, Lisa Crum, appeared at the meeting in person and addressed the Board.

File Number 2019-02714 Kathie Sue Crum

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Kathie Sue Crum's cosmetologist license application.

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

EXAMINATIONS

Ms. Rodriguez reported to the Board on current pass rates for barbers and cosmetology related examinations. She provided additional information on public school pass rates as follows: The public school pass rates for the cosmetology theory exam experienced a slight increase, averaging 73%. The cosmetology practical exam pass rate remain steady at around 97%. The public school barber pass rates decreased to 38% from 2018, which had a pass rate of 42%. The barber practical exam pass rate for public schools remains steady, averaging 100%. The public school pass rate for the nail technician exam has increased in 2019 to 78%, and the nail technician practical exam pass rate is averaging 100%.

Exam Statistics

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. He stated that the committee was nearing the end of the negotiations and would be meeting later in the week to make a selection between the two vendors being considered.

**Examination
Request for
Proposal Report**

**REGULATORY
ACTION AND
BOARD
GUIDANCE**

Mr. Kirschner reported to the Board that there are currently three regulatory actions underway, including the Tattoo Regulations general review, which has been approved by the Governor and is now in the public comment period. Mr. Kirschner advised the Board that a hearing would be conducted on August 12, 2019 to allow public comment on the proposed regulations.

Regulatory Report

The second action on which Mr. Kirschner updated the Board was the fast-track change to the sanitation and safety regulations to remove reference to the term “tuberculocidal” from the text. He reported that this proposed legislation is currently in the Secretary of Commerce and Trade’s office for review and approval.

Lastly, Mr. Kirschner advised the Board that the fast-track legislation to amend the regulation related to the display of apprenticeship documents is also in the Secretary’s office for review and approval.

Mr. Kirschner provided the Board with a memo announcing the Periodic Regulatory Review, required by the Governor’s Executive Order 14, advising the Board that all five of the Board’s sets of regulations are subject to the periodic review. He further advised the Board that public comments were received from June 24 to July 15, 2019 and are available on the Virginia Regulatory Town Hall website at <http://townhall.virginia.gov/> The Board will review the comments at the September 9, 2019 Board meeting and determine whether to retain the regulations as is, or begin regulatory actions to make changes to all or some of the regulations.

**Periodic Review
Update**

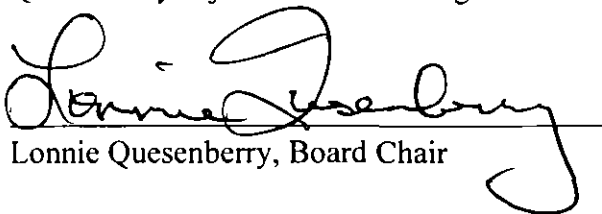
Mr. Kirschner directed the Board’s attention to his memo dated July 12, 2019 that included suggested language to update and clarify the existing Guidance Document related to Temporary Permits for Out-of-State Applicants. Upon Mr. Kirschner’s advice, the Board agreed by consensus to withhold any action on this topic until a comprehensive review of the matter can be conducted by staff.

**Guidance
Document –
Temporary
Permits for Out-
of-State
Applicants
Required to Take
the Examination**

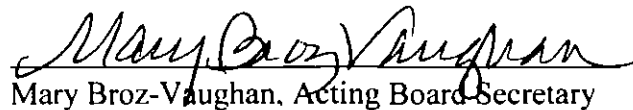
Mr. Dylan Avatar, representative of MERIT, a professional credentialing company with which DPOR has partnered, provided an introduction to the services the company will make available to all DPOR licensees beginning in the fall of 2019. Mr. Avatar provided the Board with a printed outline of MERIT's features and services. (Addendum 1)

Mr. Douglas Schroeder, DPOR's Director of Adjudication provided a slide presentation to offer the Board a detailed outline of the regulatory complaint and informal fact-finding conference processes with regard to disciplinary actions.

There being no further business to be brought before the Board, Mr. Quesenberry adjourned the meeting at 11:53 a.m.



Lonnie Quesenberry, Board Chair



Mary Broz-Vaughan, Acting Board Secretary

NEW BUSINESS

**Introduction of
MERIT electronic
credentialing**

**In-Service
Training –
Disciplinary
Informal Fact-
Finding
Conferences**

Adjourn



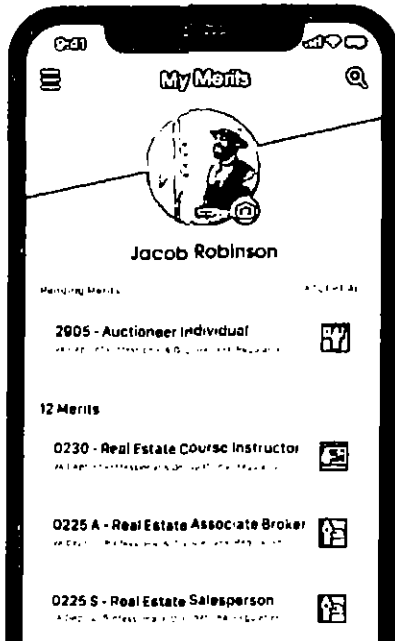
Less Paperwork. More Meaningful Work.

Virginia's DPOR revolutionizes professional credentialing

Starting in early Fall 2019, DPOR will streamline professional licensing across Virginia. As legislated in the 2019 Session of the General Assembly,* DPOR will partner with online credentialing service Merit to drive innovation, digital transformation, and efficiency for all.

Merit will power all DPOR licensed professionals' digital licenses and credentials in their online platform that is accessible, verifiable, and free of charge. Licenses will be issued and used the same way, but now made more available with a few taps on a smartphone or web browser. Organizations and the public will be able to efficiently check the digital credentials of licensed professionals to give them confidence in the veracity of their licenses.

How does it work?



1. SEND

DPOR issues digital licenses/credentials to all regulants with registered email addresses **

2. RECEIVE

Regulants will receive an email from DPOR via Merit, which will give them access to their digital licenses on their new Merit profile.

Regulants will also be able to centrally manage all of their industry credentials, such as training and memberships, from participating organizations

3. VERIFY

Regulants will be able to share their licenses/credentials with organizations and individuals through the many different verification methods available

What is Merit?

Merit lets everyone access, track, and organize their life's achievements giving them the confidence, autonomy, and foresight to pursue their life's goals. Merit enables organizations to securely issue and manage digital merits in order to better engage, serve, and grow their member community. Merit offers organizations and individuals a way to leverage a single secure platform to verify their personal and professional qualifications versus relying on analog siloed systems of paper certificates, ledgers, and plastic identification cards.

Who is this for?

All historical and current regulants (individuals holding licenses, certifications, registrations and other authorizations issued by DPOR) with a registered email address will be issued digital licenses.

Learn more at merits.com/DPOR | Get help at merits.com/knowledge/DPOR

* Executive Order Item 15 of the 2019-2020 Appropriations Act

** For more information, visit [dpor.virginia.gov/FormsAndApplications/](https://www.dpor.virginia.gov/FormsAndApplications/)

**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: July 29, 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

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

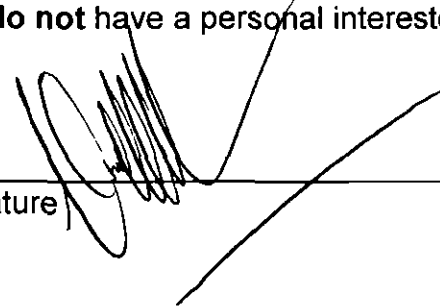
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Oanh Pham Kim "Tina" Dang
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: July 29, 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 7/29/19

**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: July 29, 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: Margaret B LaPierre
2. Title: Board Vice-Chair
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: July 29, 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 B LaPierre
Signature

7-29-2019
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: July 29, 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: July 29, 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**

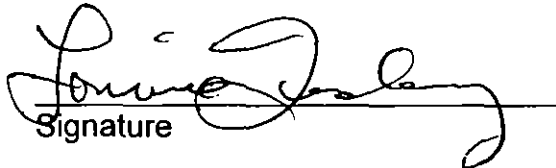
1. Name: Lonnie Quesenberry
2. Title: Board Chair
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: July 29, 2019
5. I have a personal interest in the following transaction:

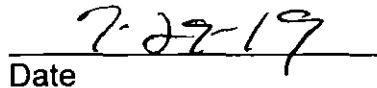
Nature of Personal Interest Affected by Transaction: _____

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**

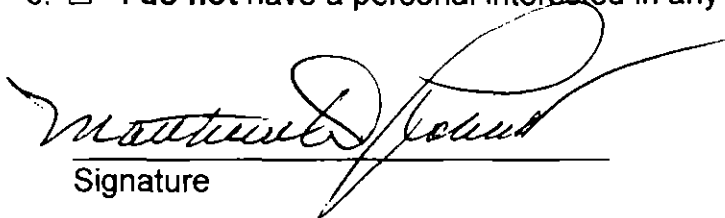
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Matthew D. Roberts
2. Title: Board Member
3. Agency: Board for Barbers and Cosmetology
4. Meeting/IFF Date: July 29, 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

7-29-19
Date